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1596

THE DEBATES

ON THE

GRAND REMONSTRANCE

NOVEMBER AND DECEMBER,

1641.

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WITH

AN INTRODUCTORY ESSAY

On Engliſh Freedom under Plantagenet & Tudor Sovereigns.

UVa 96

BY JOHN FORSTER, LL.D.

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LONDON:
JOHN MURRAY, ALBEMARLE STREET.
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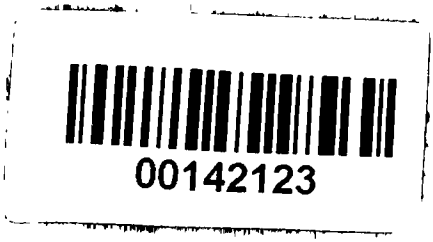

Apr 12. 1641.

Mr Tomkins for bill of attainder to bee read for it is the old way
Sr John Culpeper not to lay bill aside the safest & the speediest
way to proceede by bill: yet for the conference now.
I hoped that I was verie glad of the motion for a conference. [illegible]
[illegible] tie to coplie with Co for timor bonorum spes malorum [illegible]
[illegible] [illegible] [illegible] in the kingdome as it [illegible] [illegible]
[illegible] [illegible] to demand [illegible] the most ancient way in [illegible]
[illegible] [illegible] when men dead or fledd or [illegible] [illegible]
this [illegible] way. For nothing now but to demand judgment.
A bill will bee long in passing & all delaies incident to that
[illegible] [illegible] For the summing up a [illegible] may be omitted or pro
thip [illegible] safe way [illegible] Bpp in bill ought to have [illegible]
[illegible]. Diners saied No. But I tolde them that I spake what
[illegible], not by rote or tradition but what I knew. That I
[illegible] had this morning been searching in the office of the clerk
of the Lords house touching the bill of attainder of Sr Thomas Sey
mour Lord Sudley up in paper pinned.

Diners moved that Mr Treasurour might explaine himselfe
whome hee meant by L. Cott. whether hee did not meane Lord Cottington
Mr Treasurour demed to make ame other or further explana-
tion till hee had well aduised thereupon though [illegible] [illegible] [illegible] [illegible]
Mr [illegible] [illegible] reason, why the committee named the Lord Cottington
because [illegible] [illegible] [illegible] [illegible] [illegible]
Mr Martin spake to have bill ~~read again~~ of attainder read again
and proceed that way.
Mr Hamden answeared him & moved the message might goe
upp. speedilie.

Mr Hamden sent with the message about 12 of the cloke but the Lords weere
risen.

Being returned wee fell into debate to vote the heads
for the conference.

Upon the first head ⊥ before sett downe ~~[illegible]~~ being
read & debated Mr Treasurour upon some motion was
twice drawen to declare concerning the said paper found
by his sonne ~~[illegible]~~ that hee first moved his Mr. tie that
hee might burne it, & soe hee commanded him to doe it. Ase-
condlie that hee was not possiblie able to speake to it till
hee hee considered ~~of the paper~~ deliberatelie of it.

Mr Pymme shewed that the Committee had [illegible] the managing of the Evidence against the Earle of Strafford had [illegible] certain heads for the managing of the [illegible] a conference with the [illegible] where Mr Pymme ended & [illegible] Mr Maynard to desire a conference

[illegible] evidence [illegible] had [illegible] house [illegible] ready to be deposed [illegible] for [illegible] the [illegible] the house

1. a Narrative of the Evidence concerning the ~~[illegible]~~ trial against the Earle of Strafford ~~[illegible]~~ desired to present to their Lordships & intended to have presented to the same to their Lordships ~~[illegible]~~ on Saturday last ~~[illegible]~~

2. The house having taken consideration of the danger & distruction of the Kingdome ~~[illegible]~~ being very great & will admit no delay they are resolved to come to a generall [illegible] & to waive the said [illegible] unless the Lords shall permit ~~[illegible]~~ the Earle of Strafford liberty to examine witnesses ~~[illegible]~~ ~~[illegible]~~ other articles wh the house doubtes to avoid delay which is now of [illegible] consequence

3. ~~[illegible]~~ are distinct ~~[illegible]~~ the paper will appear ~~[illegible]~~ way made by Earle of Strafford

if their Lor. pps will heare the ff paper read

~~those Lords~~

others desire the Ls to joine with us to prevent danger which might ensue upon such counsels.

~~Those Counsellors removed~~

3. That upon occasion of a [illegible] of this Evidence ~~[illegible]~~ was read in the house by wh it appeared that at the same time when the Earle of [illegible] full of [illegible] counsell to the King ~~[illegible]~~ to the ~~last Parliament~~, commons house ~~[illegible]~~ the last Parliament

Mr Hotham moved to have the bill ~~read~~ of the Earle of Strafords attainder read.

Mr Pymme would not have the bill read but to goe the other way because this is the safer to show that we & the Lords are reconciled & not sundred & so we shall proceed the moore speedily by demanding judgment.

Mr Maynard one way doth not crosse another but we may goe by bill of attainder if we will or by demanding judgment & doth we may best resolve upon when we see the end of the trial

Sr Benjamin Rudier shewed the great treason of the Earle of Strafford & yet saies the full third parte of ~~[illegible]~~ the Evidence was not heard & that diuers of the Lords who were [illegible] at the hearing thereof were not satisfied that [illegible] in the [illegible] ~~[illegible]~~ [illegible] counsell of bringing [illegible] ~~[illegible]~~ [illegible] by those [illegible] L. Arch. & L. Cott. whome we conceive

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THE DEBATES

ON THE

GRAND REMONSTRANCE.

INTRODUCTORY ESSAY.

§ 1. THE PLANTAGENETS.

Purpoſe of this Eſſay.

I PROPOSE to introduce an attempt to redeſcribe, with greater fullneſs and accuracy, ſome leading events in the political ſtruggle of the Seventeenth Century, by a ſketch of the earlier efforts for freedom in the Plantagenet and Tudor reigns. From the circumſtances that attended the gradual growth of our liberties, were drawn ever the moſt powerful arguments for their maintenance and defence; and it is impoſſible clearly to underſtand the poſition in this reſpect taken up by Charles the Firſt's opponents, without ſome knowledge of the grounds on which they reſted their claim to connect with the old laws and uſages of England, their reſiſtance to the tyranny of the Stuarts.

Poſition taken up by Charles the Firſt's opponents.

Records and titles of Engliſh Freedom.

One of the nobleſt images in the writings of Burke, is that in which he ſays of the ſpirit of Engliſh Freedom that, always acting as if in the preſence of canoniſed forefathers, it carries

Burke on our Hiſtory.

an impoſing and majeſtic aſpect. "It has "a pedigree and illuſtrating anceſtors. It has "its bearings and its enſigns armorial. It has "its gallery of portraits, its monumental in- "ſcriptions, its records, evidences, and titles." For collecting and producing them, Selden was thrice impriſoned by James the Firſt and his Son; and the part which they played in that ſtruggle with the Stuarts, was but the revival, in more powerful form, of an influence they had exerted over the Plantagenets and the Tudors. As in later, ſo it had been in the earlier time. The Petition of Right, enacted in Charles the Firſt's reign, was but the affirmation and re-enactment of the precedents of three foregoing centuries; and in the reign of John, when the Barons were in treaty for the Great Charter, Langton put forward, as the baſis and title of their claims, a charter of a hundred years' earlier date.

Precedents in older Time.

Charter of Henry I. 1100.

That was the enactment of the firſt year of Henry Beauclerc, the firſt of the name, and the third of our Norman kings. It was ſuppoſed to be the only copy then in exiſtence; ſo aſſiduous Henry's officers had been, in the more ſecure years of his reign, to deſtroy the evidence of his recognition of popular rights at the outſet of his uſurpation. But he could not depreſs the people for his pleaſure, when already he had raiſed them for his gain. They are edged tools, theſe popular compacts and conceſſions; and not ſo ſafe to play the game of diſſimulation with, as a friendly nod or greeting to the friend you purpoſe to betray. "Does he ſmile and ſpeak well of me?" ſaid

Difficulty of ſuppreſſing a Charter.

one of the chief juſticiaries of this King. Henry I.
"Then I am undone. I never knew him "praiſe a man whom he did not intend to "ruin." It was truly ſaid, as the ſpeaker ſoon had occaſion to know; but it is more difficult ſo to deal with a people. A charter of relief from onerous and unreaſonable burdens, once granted, is never more to be reſumed as a mere waſte piece of parchment. The proviſions of which men have loſt the memory, and are thought to have loſt the proof, reappear at the time of vital need; and the prince into whoſe violent keeping a people's liberties have fallen, is made ſubject to a ſharp reſponſibility. Royal conceſſions not reſumable.

For the moſt part, unhappily, hiſtory is read as imperfectly as it is written. Beneath the ſurface to which the obſcurity of diſtant records too commonly reſtricts us, there lies material to be yet brought to light, leſs by laborious reſearch than by patient thought and careful induction. Conceding to the early chroniclers their particular caſes of oppreſſion, ſubjection, and acquieſcence, let us well aſſure ourſelves that theſe will not prevail for any length of time againſt an entire and numerous people. If ever rulers might have hoped to meaſure their immunities and rights by the temper and ſtrength of their ſwords, it ſhould have been theſe early Norman princes; yet at every turn in their ſtory, at every caſualty in their chequered fortunes, they owe their ſafety to the fact of flinging down their ſpoil. A ſomething which, under various names, repreſents the People, is ſtill upon their track; and thus, over our rudeſt hiſtory, there lies at Imperfect judgments in Hiſtory. Strength and weakneſs of Norman Kings.

leaſt a ſhadow of the ſubſtance which fills our later and nobler annals.

Baſis of Saxon Conſtitution.

The baſis of the Saxon Conſtitution reſted wholly on the mutual correction, and relative ſuſtainment and ſupport, of two oppoſite powers; that of the King exerted through a prerogative juriſdiction, and that of the People expreſſed through their various courts and guilds. Nor does it admit of queſtion that, ſubſtantially, the Conqueror and his ſons adopted the Saxon juriſprudence, and that it continued to be the baſis of the common law. Every ſubſequent alteration operated upon it; and though the action of time and circumſtance made thoſe alterations conſiderable, there was little direct change by poſitive enactment. The notion which long prevailed that the Feudal Syſtem was firſt introduced into England at the Conqueſt has been diſproved by modern inquiry. All the rudiments and germs of the feudal ſervices exiſted in the Germanic nations; and whether theſe were grown in their foreſts, or had been derived in any degree from what they ſaw of the ſyſtem of the Empire, is not very material. As early as Tacitus, every chieftain had his band of retainers, who honoured him in peace, and followed him in war; and that an artificial connection ſhould gradually have ariſen, reciprocally binding the lord to his vaſſal, and the vaſſal to his lord, renders it eaſy to underſtand the growth of the entire ſyſtem of feudality. In what way its more onerous incidents and obligations aroſe opens up wider conſiderations. But there is reaſon to believe that even theſe had made

Adopted by the Conqueror and his ſons.

Origin of Feudality.

Its burdens and modes of tenure.

conſiderable advance under the Saxons, though not to the excluſion of other modes of tenure, before the ſubtle and elaborate Norman devices were grafted on them. The Saxon king certainly claimed the right of wardſhip, though leſs often, and in ſimpler and leſs oppreſſive form, than in the Norman time; and the acknowledgment, by oath, of the obligation in a feud as reciprocal and binding on both parties, is known as early as Alfred's reign. As that obligation took more ſettled ſhape, the ſyſtem developed itſelf in largely civiliſing and humaniſing forms. The compact implied on both ſides fixed rights and ſettled duties, and made Protection as ſacred as Service. It led gradually, in ſhort, to the feud becoming a life-eſtate; from which, as an almoſt natural conſequence, the principle of hereditary ſucceſſion aroſe; every new occupant making ſtill his acknowledgment of vaſſalage, and binding himſelf as fully as the firſt grantee. Nor did it require much forethought to diſcern, that the perfect development of this ſyſtem would end in a mutual arrangement of legally binding obligations and legally maintainable rights, in the courſe and action of which the very life of the relation of vaſſalage would expire.

Natural conſequences of the Feudal Syſtem.

Its development.

Hereditary Succeſſion.

Extinction of Vaſſalage.

Contemporaneous with Henry the Firſt's charter were the firſt great victories of the Cruſades, which led to the ſacrifice of many millions of lives, and had the effect not only greatly to increaſe the temporal power and eccleſiaſtical domination of the Popedom, but to begin the terrible ſtory of religious wars. Yet

The Cruſades.

they had alſo good reſults, to which the exiſting condition of the world gave a preponderating influence. What there was of merit in the feudal inſtitutions had here taken a higher and more ſpiritual character, largely abating their ferocity and ſomewhat leſſening their injuſtice. A troubadour of the century now begun called Jeruſalem a fief of Jeſus Chriſt; and in the expreſſion may be traced the origin of the Cruſader's ſenſe of his bond and vaſſalage to the Son of God. To his fancy, he was now firmly eſtabliſhing a reciprocity of obedience and protection between himſelf and heaven. The union alſo, which the Cruſades effected, of different countries in a common object, had a tendency to diſſipate many narrow hindrances to a common civiliſation; and the intercourſe of eaſtern and weſtern nations by degrees introduced into religion, as well as into government, larger and more humane views. The pecuniary obligations incurred by the feudal chiefs, led at the ſame time to a wider circulation of money, and made further gradual but ſure encroachment on the ſtricter domains of feudaliſm. Finally, we owe it mainly to the Cruſades, that the enrichment of the ports of Italy, by ſuch ſudden avenues to trade, became an important element in the advance to a higher and more refined ſyſtem of ſociety; and that, ſcattered through the wandering paths of Troubadour or Dominican, the ſeeds of eloquence and ſong ſprang up in later days, and in many countries, into harveſts of national literature.

Feudal Inſtitutions improved.

Influences of Chriſtianity.

Seeds of Commerce and Literature.

Henry II. Some of theſe advantages began to be felt

even ſo early as under the firſt and greateſt of the Plantagenet kings. It was in Henry the Second's reign that perſonal ſervices of the feudal vaſſals were exchanged for pecuniary aids; that, by the iſſue of a new coinage of ſtandard weight and purity, confidence was given to towns and cities, then ſtruggling into importance by the help of charters and fiſcal exemptions; that it was made the duty of the itinerant judges to ſee that all free men were provided with competent arms and means of defence; that the moſt oppreſſive baronial tyrannies received a check from the Crown; and that further ſettled guarantees for internal tranquillity were given by a more orderly, equal, and certain adminiſtration of the laws. Yet even ſuch ſervices to civiliſation yield in importance to that which was rendered by this great prince in reſiſting the uſurpations of the Church. His diſpute with his Primate involved eſſentially little leſs than the ultimate queſtion of the entire arrangement of human ſociety. Not ſeventy years had paſſed ſince the voice of Hildebrand had declared the papal throne to be but the temporal emblem of a univerſal ſpiritual authority, holding abſolute feudal juriſdiction over the leſſer authority of kings and nobles; and Becket ſtood upon the claim ſo put forth by Hildebrand. Like him, he would have turned human government into a theocracy, placing the Church at its head, unqueſtioned and ſupreme. He would have drawn together the whole of Chriſtian Europe under one ſole Suzerain authority, and, through all the wide and various extent of civiliſed

First Plantagenet King. 1154.

Gains to civil freedom.

Diſpute of Henry II. and his Primate.

Becket's ſcheme.

nations, would have made the ſpiritual tyranny of Rome the centre and metropolis of dominion. To Henry Plantagenet, on the other hand, it ſeemed that any ſuch centraliſation of eccleſiaſtical power would be fatal to the peace, the happineſs, and the liberty of the world. He had laboured hard, with his Chancellor Becket, to reduce all autocracies and tyrannies within his kingdom; and againſt his Primate Becket, he now reſolutely declared that this work ſhould ſtill go on. Whether ſpiritual intereſts were, or were not, of higher importance than temporal intereſts, was not neceſſarily the queſtion implied; any more than whether a firm belief in Chriſtianity ſhould involve a total ſubjection of the underſtanding, of the heart and the will, of the active and the intellectual powers, to eccleſiaſtical domination. Not ſo, happily for the people whom he governed, was this reſolute prince diſpoſed to renounce his ſocial and civil duties. In events that aroſe as the conteſt went on, he was rude, paſſionate, and overbearing; and perhaps much of the work he was called to do, by more delicate ways could hardly have been done: but, though what he had nobly gained was thus at times in danger of being ignobly loſt, there ſeldom fails to be viſible, throughout all the reckleſs impulſes of that really majeſtic though ill-regulated nature, a ſtrong comprehenſion of the vital truth which was afterwards wrought out with ſuch breadth and potency in England. And on the whole it was certainly well that Henry the Second's triumph ſhould not have been on all points complete.

Henry's oppoſition.

What the ſtruggle involved.

Character of Henry.

Complete victory to either not deſirable.

Notwithſtanding the ſpiritual deſpotiſm which the Church would fain have eſtabliſhed, we cannot forget what the Church in thoſe rude times repreſented and embodied; and for the utter diſcomfiture and overthrow of which, any abſolute ſupremacy of the State and the ſword would have been but a poor compenſation. What it was well that the King ſhould retain, he did not loſe; and though neither did Becket entirely forfeit what his arrogance too raſhly put in peril, ſubſtantially the victory remained with Henry. Aſſerting the neceſſary rights of temporal princes, and upholding the independent vigour of civil government, he defended and maintained, in effect, religious liberty and equal laws; and the ſoil was not unprepared to receive that wholeſome ſeed, even ſo early as the reign of the firſt Plantagenet.

What was due to the Church.

What Henry II. gained.

The moſt diſtinguiſhed aſſociate of Henry in his civil labours was the famous Ranulf de Glanvile, in whoſe name is written the moſt ancient and memorable treatiſe of the laws and cuſtoms of England; and the greateſt act they jointly performed was to give authority, univerſality, and ſettled form and circumſtance, to a practice which was only very imperfectly introduced in the time of Henry Beauclerc, and had been, ſince then, carried out ſtill leſs perfectly. In a Great Council at Northampton, Henry formally divided the kingdom into ſix diſtricts, to each of which he aſſigned three itinerant judges, and from that time circuits have never ceaſed in England: carrying gradually with them (in conſequence of other improvements introduced by this great and ſagacious

Ranulf de Glanvile, *Tractatus de Legibus et Conſuetudinibus Regni Angliæ.*

1176. Appointment of circuits for judges.

prince) the general adoption of juries, an elevation of the character of the judges, and other ſettled advantages in juriſprudence as well as in legal adminiſtration, felt to this hour.

Richard I. 1189. The reign of the ſecond of the Plantagenet family ſupplies to our conſtitutional hiſtorian, in the ſentence paſſed on the Chancellor of the abſent King by the convention of barons, the earlieſt authority on record for the reſponſibility of Miniſters to Parliament. The incident, however, important as it is, ſeems rather to take its place with others in the ſame reign, which mark the ſpringing up of a new condition of relations between the baronage and the throne. In the obſtinate abſence of Cœur-de-Lion on his hair-brained enterpriſes, the inaptitude and imbecility of his brother had thrown all the real duties of government into the hands of a council of barons; theſe again were oppoſed by men of their own claſs, as well for ſelf-intereſt as on general and independent grounds; and the reſult of a ſeries of quarrels thus conducted between equals, as it were, in ſtation, between forces to a great degree independent of each other—the Crown ſtriving to maintain itſelf on the one hand, but no longer with the preſtige of power it had received from the ſtronger kings; the Ariſtocracy advancing claims on the other, no longer overborne or overawed by the preſent preſſure of the throne —led to what, in modern phraſe, might be called a ſyſtem of unſcrupulous party ſtruggle, in which royalty loſt the excluſive poſition it had been the great aim of the Conqueror's family to ſecure to it, and became an unguarded

New relations between throne and barons.

Independent oppoſition to Crown.

Beginning of ſtruggles of party.

object of attack, thereafter, to whatever hoſtile confederacy might be formed againſt it.

What there was of evil as well as of good in the conteſt became ſtrongly manifeſt in the two ſucceeding reigns.

Arthur's claim to the ſucceſſion:

In the ſtrict order of hereditary ſucceſſion the crown, which on Richard's death was conferred on John, would have fallen to Arthur, the orphan of John's elder brother. But though the ſubſequent misfortunes and ſorrowful death of this young prince largely excited ſympathy in England, there was never any formidable ſtand attempted, here, on the ground of his right to the throne. The battle was fought in the foreign provinces. In England, while ſome might have thought his hereditary claim ſuperior to his uncle's, there was hardly a man of influence who would at this period have drawn the ſword for him, on any ſuch principle as that the crown of England was heritable property. The genius of the country had been repugnant to any ſuch notion. The Anglo-Saxon ſovereignty was elective; that people never ſanctioning a cuſtom by which the then perſonal and moſt arduous duties of ſovereignty, both in peace and war, might paſs of right to an infant or imbecile prince; and to the ſtrength of this feeling in the country of their conqueſt, the Normans heretofore had been obliged to yield. At each ſucceſſive coronation following the defeat of Harold, including that of the Conqueror, the form of deferring to the people's choice had been religiouſly adhered to; nay, of the five Norman kings on whom the Engliſh crown had now deſcended, four had

fought only in French provinces.

The Engliſh Crown not heritable property.

Sovereignty elective.

Normans defer to Saxon principle.

been conſtrained to reſt their ſtrongeſt title on that popular choice or recognition: but its moſt deciſive confirmation was reſerved for the coronation of John. Till after the ceremony, his right was in no particular admitted. He was earl, until he aſſumed the ducal coronet; and he was duke, until the Great Council, ſpeaking through the primate, inveſted him at Weſtminſter with the Engliſh crown, accompanying it with the emphatic declaration that it was the nation's gift, and not the property of any particular perſon. Speed, with his patient induſtry and narrow viſion, calls this latter condition, "a ſecond ſeed-plot of treaſons;" but for the moſt part it has happened, throughout our Engliſh hiſtory, that treaſons have been the ſecond ſeed-plot of liberty. Other hiſtorical critics imagine John's coronation to have been a mere arrangement of conditional fealty ſpecially reſtricted to him; the ſole temptation to elect him, in preference to his nephew, being the conſideration that leſs was to be looked for in the way of civil reſtitution from a legitimate monarch, than from one who held by elective tenure. But theſe reaſoners overlook, not only the fact that the law of ſucceſſion as between a living brother and a dead brother's child was by no means ſettled at this time, but that, as has juſt been pointed out, the choice of a monarch on grounds excluſively hereditary would have been the exception and not the rule. If anything beyond the objection to entruſting ſovereignty to a child and a woman, induced the preference of John, it very probably was ſome anticipation

Coronation of John. 1199.

Treaſons the ſeed-plot of Liberty.

Legitimacy or Election?

Why John preferred to Arthur.

of a poſſible and not diſtant ſtruggle between the throne and its feudal dependencies, and the ſenſe of how much the latter would be ſtrengthened by an incompetent and feeble King. For, how ſtood the government of England, when placed in John's keeping?

Henry II.'s policy unſettled by his ſons.

The balance of power between the various grades of feudal ſociety, as in a great degree eſtabliſhed by the diſcreet and powerful policy of Henry the Second, had been wholly relaxed and unſettled by the lawleſs adminiſtration in Cœur-de-Lion's abſence. The powers which Henry centered in the throne for good purpoſes, were proſtituted to evil by both his ſons. The weakneſs which an able king, for wiſe and prudent purpoſes, had ſought to introduce into the ariſtocratic element of the kingdom, had ſince been uſed for the ſuppreſſion of all reſtraint upon monarchical tyranny. If ſuch a ſovereign as Henry could have continued to reign, until a forced repreſſion of the baronial feuds might have permitted a gradual and free reaction of the popular on the kingly power, the eſtabliſhment of rational liberty would have been haſtened by at leaſt two centuries. But even as it was, there ſtood the People between the two oppoſing forces; alternately recogniſed in the neceſſities of each, and by both made conſcious of their power. In the Church queſtions, and that of reſiſtance to invaſion, which aroſe in the earlier portion of the reign, they took part with John; in the queſtions of civil freedom which immortaliſed its cloſe, they joined the grand confederacy of his enemies. Of the character of this prince it is needleſs to ſpeak,

Monarchy and ariſtocracy in conflict.

People chooſe their ſide alternately.

Character of John. It belongs to the few in hiſtory or in human nature of which the infamy is altogether black and unredeemed. The qualities which degraded his youth grew with his years; combined with them, he had juſt enough of the ambition of his race to bring forth more ſtrongly the puſillanimity of his ſpirit; and thus he was inſolent and mean, at once the moſt abject and the moſt arrogant of men. The pitileſs cruelties recorded of him ſurpaſs belief; and the reckleſs madneſs with which he ruſhed into his quarrels, was only exceeded by his impotent cowardice when reſiſtance ſhowed its front. He deſerted the people when the people joined him againſt the church, and he deſerted the church when the church joined him againſt the people. Yet, what reſulted from the very vice and falſehood of ſo deſpicable a nature was in itſelf the reverſe of evil. A man more able, though with an equal love of tyranny, would have huſbanded, and kept, his power; this man could only feel that he exiſted when he knew that he was trampling on his fellow-men, and, making his power intolerable, he riſked and loſt it. The concluſion which would infer that with the barons, and not with the people, the ſubſtantial benefit remained, is far too haſtily formed. What, in its beginning, was the claim of one powerful faction in the realm as againſt its feudal lord, became in the end a demand for rights to be guaranteed to the general community. It was but a month before the gathering at Runnymede that an unavailing attempt was made to detach the greater barons

His deſertion of both ſides.

Uſes of a bad king.

What the triumph of the Barons involved.

from the national confederacy, by offering to themſelves and their immediate followers what the Great Charter was to ſecure to every freeman.

I have ſhown that party ſpirit had now ariſen in England. From it have ſprung ſcenes and compromiſes often neither juſt nor honourable; but with it have been aſſociated, in very memorable periods of hiſtory, the liberties and political advances of the Engliſh people. The determined wiſh of a large ſection of the nobles to degrade the poſition and humble the pride of their ſovereign, became obvious at the outſet of John's reign. When he began his continental wars, he was maſter of the whole French coaſt, from the borders of Flanders to the foot of the Pyrenees; when three years had paſſed, the beſt portion of that territory was irrevocably loſt to him, and, after a ſeparation of three hundred years, Normandy, Anjou, Maine, and Touraine, were reannexed to the French crown. Nor were any of his complaints ſo loud and bitter, during the progreſs of theſe events, as that which was implied in his reproach that the Engliſh nobles had forſaken him. They certainly ſaw paſs into ſubjection to France thoſe large and opulent provinces ſo long won and guarded by the ſwords of their fathers, and they made no ſign of reſiſtance. But this had alſo a deeper ſignificance than mere diſguſt with John. They had elected their country. They were no longer foreign proprietors on a ſoil which was not their own; they were Engliſhmen, reſolved to caſt their fortunes and their fate with England. Soon after this,

Party ſpirit and its reſults.

Engliſh King ſtripped of French conqueſts.

Conduct of the Barons.

Growth of national feeling.

indeed, they raiſed a counter-cry to that of their recreant King, accuſing him of foreign favouritiſm. With the name, opprobrious now, of *foreigner*, they branded the Angevin, the Norman, and the Poitevin nobles whom he had brought into England at the cloſe of his French wars; and whom he now delighted to parade about his perſon, to load with dignities and wealth, and to encourage in their vigorous efforts to plunder and oppreſs the native population. Even the French hiſtorian of the Norman Conqueſt is here fain to admit that the conquering lord and the conquered peaſant had found a point of contact and a common ſympathy. He can no longer reſiſt the concluſion, that in the ſoil of England there was at length germinating a national ſpirit common to all who traverſed it. Without doubt it was ſo. Nor was there a new fine now levied on one of the old domains, or a new toll on one of the old bridges or highways, that did not bring the Engliſh baron and lord of the manor nearer in his intereſts and rights to the Engliſh farmer and citizen.

Common cauſe againſt foreigners.

Alliance of lords and citizens.

The next ſtep in John's degradation completed the rupture with his barons and carried over the people to their ſide. From the attempted overthrow of all government, by the ſurrender of England to the Pope, dates the firſt ſenſible advance in our annals to anything like a government under general and equitable forms of law. There is not an Engliſh freeman living in this nineteenth century, who may not trace in ſome degree a portion of the liberty he enjoys to the day when

King's ſurrender to Pope. 1213.

Freedom's debt to John.

King John did his beſt to lay his country at the feet of a foreign prieſt, and make every one of her children as much a ſlave as himſelf. From that day the grand confederacy againſt the King took its really formidable, becauſe now unwavering ſhape; and what was beſt in England joined and ſtrengthened it. The concentration of its purpoſes was mainly the work of Stephen de Langton, and forms his claim to eternal memory. Rome never clad in her purple a man of nobler nature, or one who more reſolutely, when he left the councils of the Vatican, ſeemed to have left behind him alſo whatever might impinge upon his obligations as an Engliſhman. No name ſtands upon our records worthier of national honour. In an unlettered age, he had cultivated with ſucceſs not alone the higheſt learning, but the accompliſhments and graces of literature; and at a time apparently the moſt unfavourable to the growth of freedom, he impelled exiſting diſcontents, which but for him might have waſted themſelves in caſual conflict, to the eſtabliſhment of that deep and broad diſtinction between a free and a deſpotic monarchy, of which our hiſtory, through all the varying fortunes and diſaſters that awaited it, never afterwards loſt the trace. Even while he perſonally controlled the treacherous violence of the King, he gave ſteady direction to the ſtill wavering deſigns of the Barons; and among the ſecurities obtained on the firſt day at Runnymede for due obſervance of the bond or deed which the King was to be called upon to ſign, probably none inſpired greater confidence than that which

Confederacy againſt King.

Character of Langton.

His ſervices to Engliſh freedom.

Tueſday 16th of June, 1215. Firſt day at Runnymede.

Faith in Langton.

conſigned for a certain ſpecified time to Langton's cuſtody the Tower and the defences of London. This and other guarantees conceded, the various heads of grievance and propoſed means of redreſs were one by one diſcuſſed; and, the document in which they were reduced to legal ſhape having been formally admitted by the Sovereign, on the fourth day from the opening of the conference, Friday the 19th of June, 1215, there was unrolled, read out aloud, and ſubſcribed by John, the inſtrument which at laſt embodied, in fifty-ſeven chapters, the completed demands of the confederacy, and is immortaliſed in hiſtory as the Great Charter.

Fourth day: Charter ſigned.

Its general character.

The Great Charter, it is hardly neceſſary to ſay, had nothing to do with the creation of our liberties. Its inexpreſſible value was, that it corrected, confirmed, and re-eſtabliſhed ancient and indiſputable, though continually violated, public rights; that it aboliſhed the worſt of the abuſes which had crept into exiſting laws; that it gave an improved tone, by giving a definite and ſubſtantial form, to future popular deſires and aſpirations; that, without attempting to frame a new code, or even to inculcate any grand or general principles of legiſlation, it did in effect accompliſh both, becauſe, in inſiſting upon the juſt diſcharge of ſpecial feudal relations, it affirmed a principle of equity which was found generally applicable far beyond them; that it turned into a tangible poſſeſſion what before was fleeting and undetermined; and that, throughout the cen-

Confirmation of exiſting liberties.

Principles latent in it.

turies which ſucceeded, it was violated by all our kings and appealed to by every ſtruggling ſection of our countrymen.

To very many of its proviſions no reference needs to be made, beyond the mention that they redreſſed grievances of the military tenants, hardly intelligible ſince the downfall of the ſyſtem of feuds, but then very ſeverely felt. Reliefs were limited to a certain ſum, as fixed by ancient precedent; the waſte committed, and the unreaſonable ſervices exacted, by guardians in chivalry, were reſtrained; the diſparagement in matrimony of female wards was forbidden; and widows were ſecured from compulſory marriage and other wrongs. Its remedies on theſe points were extended not to the vaſſals only, but to the ſub-vaſſals of the Crown. At the ſame time the franchiſes, the ancient liberties and free cuſtoms, of the City of London, and of all towns and boroughs, were declared to be inviolable. Freedom of commerce was alſo guaranteed to foreign merchants, with a proviſo to the King to arreſt them for ſecurity in time of war, and keep them until the treatment of our own merchants in the enemy's country ſhould be known. The tyranny exerciſed in connection with the Royal Foreſts was effectively controlled; and a remedy was applied to that double grievance of expenſe and delay, long bitterly felt, to which private individuals were ſubjected when proſecuting ſuits in the King's court, by the neceſſity of following the King in his perpetual progreſſes. "Common Pleas ſhall not "follow our court," ſaid this memorable pro-

Remedial proviſions.

Guarantees of franchiſes.

Redreſs of perſonal wrongs.

Central Courts of Law.

viſion of Magna Charta, "but ſhall be held "in ſome certain place."

As ſtriking a proviſion had relation to the levy of aids and ſcutages, and this, which was not in the articles firſt ſubmitted to the King, appears to have originated during the four days' conference at Runnymede. The frequency of foreign expeditions had given a very onerous character to theſe aids; always liable to be farmed out with peculiar circumſtances of hardſhip, and lately become of nearly annual recurrence. But the proviſion in queſtion now limited the exaction of them to the three acknowledged legal occaſions—the King's perſonal captivity, the knighthood of his eldeſt ſon, and the marriage of his eldeſt daughter; and in caſe aid or ſcutage ſhould be required on any other grounds, it rendered neceſſary the previous conſent of the Great Council of the tenants of the crown. It proceeded then to enumerate the conſtituent parts of this Council, as to conſiſt of archbiſhops, biſhops, abbots, earls, and greater barons, who ſhould be ſummoned perſonally by writ; and of all other tenants in chief of the crown, who ſhould be ſummoned generally by the ſheriff: and it ordered the iſſue of ſummons forty days beforehand, with ſpecification of time and place, and intended ſubject of diſcuſſion. Nor did anything in the Charter, notwithſtanding the careful limitation of the article to royal tenants and to purpoſes of ſupply, prove ſo hateful to ſucceeding princes as this latter ſtipulation. It was ſoon formally expunged, and was never formally reſtored; yet in its

Levies of aid limited.

Conſtitution of Great Council.

Forms of ſummons thereto:

hateful to ſucceeding princes.

place aroſe ſilently other and larger privileges, ſuch as no one was found daring enough in later years to violate openly.

Upon many ſmaller though very ſalutary proviſions which, relating to the better adminiſtration of juſtice, to the ſtricter regulation of aſſize, to mitigation of the rights of preemption poſſeſſed by the Crown, and to the allowance of liberty of travel to every freeman excepting in time of war, took a comparatively narrow and local range, it is not neceſſary to dwell. I proceed to name thoſe grander proviſions which proved applicable to all places and times, and were found to hold within them the germ of our greateſt conſtitutional liberties. Minor proviſions.

Theſe were the clauſes which protected the perſonal liberty and property of all freemen, by founding acceſſible ſecurities againſt arbitrary impriſonment and arbitrary ſpoliation. Securities for liberty and property.

"We will not ſell, we will not refuſe, we will "not defer, right or juſtice to any one," was the ſimple and noble proteſt againſt a cuſtom never thenceforward to be practiſed without ſecret crime or open ſhame. Juſtice not to be denied or ſold.

In the ſame great ſpirit, the thirty-ninth clauſe, beginning with that rude latinity of *nullus liber homo* which Lord Chatham thought worth all the Claſſics, ſtipulated that no freeman ſhould be arreſted or impriſoned, or diſſeiſed of his land, or outlawed, or deſtroyed in any manner; nor ſhould the King go upon him, nor ſend upon him, but by the lawful judgment of his peers, or by the law of the land. "Nullus liber homo."

And a ſupplementary clauſe, not leſs worthy, provided that earls and All freemen to be

tried by their peers.

barons ſhould be amerced by their peers only, and according to the nature of their offence; that freemen ſhould not be amerced heavily for a ſmall fault, but after the manner of the default, nor above meaſure for a great tranſgreſſion; and that ſuch amerciaments—ſaving always to the freeholder his freehold, to the merchant his merchandiſe, and to a villein his implements of huſbandry—ſhould be impoſed by the oath of the good men of the neighbourhood. It was at the ſame time provided that every liberty and cuſtom which the King had granted to his tenants, as far as concerned him, ſhould be obſerved by the clergy and laity towards their tenants, as far as concerned them; thus extending the relief generally, as before remarked, to the ſub-vaſſals as well as vaſſals, but reſtricting it ſtill to the freeman.

Extenſion of relief to ſub-vaſſals.

Manifeſt as were ſuch reſtrictions and omiſſions in the Charter, however, and limited as the bearing ſeemed to be even of its greateſt remedial clauſes, theſe did not avail againſt its mighty and reſiſtleſs effect through the ſucceeding centuries. Its framers might have pauſed, could they wholly have foreſeen or known what it involved; and that under words intended only to be applicable to the relations of feudal power, lay concealed the moſt extended truths of a juſt and equitable polity. By the very right they claimed to deny protection to ſerfs, the bonds of ſerfdom were for ever broken. By the authority they aſſumed of proteſting againſt the power of taxation in a prince, they forfeited the power of taxation in a like caſe which they believed they had re-

Effect of Charter in later times.

Its power of expanſion.

ſerved to themſelves. They could not aſſert a principle, and reſtrict its operation and conſequences. They could not inſiſt upon regular meetings of the Great Council with the purpoſe of controlling the King, and prevent the ultimate admiſſion into it of forms of popular election which were moſt effectually to control the Nobility. If required to convey by a ſingle phraſe the truth embodied in the Great Charter, it might be ſimply and ſufficiently expreſſed as reſiſtance to irreſponſible tyranny; and this ſubſtantially is the ſame, under the ſtuff jerkin of the peaſant and under the coat of mail of the baron. In all the ſtruggles of freedom, therefore, which filled the centuries after Runnymede, it played the moſt conſpicuous part; and from the ſolid vantage ground it eſtabliſhed, each freſh advance was always made. Never, at any new effort, were its watchwords abſent, or its proviſions vainly appealed to; although, when old Sir Edward Coke aroſe to ſpeak in the third parliament of James the Firſt, the neceſſity had ariſen no leſs than thirty-two times to have them ſolemnly reaffirmed and re-eſtabliſhed. Thirty-two ſeveral times had they then been deliberately violated by profligate miniſters and faithleſs kings.

Subſtance ſhaping Forms.

Violations and reaſſertions of Charter.

Already twice had this wrong been ſuffered in the reign ſucceeding John's, when, ſix years after the Regent Pembroke's death, and while the perſon of the young King was under the guardianſhip of a Poitevin biſhop, Peter des Roches, formerly a tool of John's, there was ſummoned the earlieſt Great Council which

Henry III. 1216.

Earlieſt council named as a Parliament.

bore the ominous name of Parliament. The Court's urgent neceſſities had called it together: but, upon the demand for a ſubſidy, freſh violations of the Charter were made broadly the ground for refuſing to give; and it was only at length conceded, in the ſhape of a fifteenth of all movables, upon receipt of guarantees for a more ſtrict obſervance of the Charter, and with the condition that the money ſo raiſed ſhould be placed in the treaſury, and none of it taken out before the King was of age, unleſs for the defence of the realm, and in the preſence of ſix biſhops and ſix earls. As far as I am aware, this is the firſt example of parliamentary control brought face to face with the royal prerogative, and the tranſaction contained in the germ whatever has been worthieſt of a free people in our hiſtory.

Supply conditional on redreſs.

Control of money by parliament.

Appeal of Henry III. to people.

Indirectly may be traced to it, among other incidents very notable, that proclamation from Henry the Third, ſummoning his people to take part with him againſt the barons and great lords, which was one of the moſt memorable of the precedents unrolled by Sir Robert Cotton and Sir Edward Coke when the ſtruggle with the Stuarts began. It was then late in the reign; but Henry was only ſeeking to better the inſtruction received in his nonage from appeals exactly ſimilar addreſſed to the people by the Barons, while their conflict ſtill continued with Peter des Roches. The wily Poitevin, galled by the conditions attached to the ſubſidy, precipitated the young King into further diſputes; in the courſe of which, offices of truſt were gradually taken from the Engliſh

Similar appeal from Barons.

barons and filled by foreigners brought over into England. The men of old family, wedded now to the land of their fathers as jealouſly as the Saxon had been, ſaw themſelves diſplaced for the French jeſter, tool, or pander; and theſe ſo-called Norman chiefs turned for ſympathy and help to a people no longer excluſively either Norman or Saxon, but united inſeparably on their Engliſh ſoil. Jealouſy of French favourites.

Hiſtorians have been very reluctant to admit ſo early an intruſion of the popular element into the government of the Plantagenets; and it is ſtill the cuſtom to treat of this particular reign as a mere ſtruggle for the predominance of ariſtocracy or monarchy. But beneath the ſurface, the other and more momentous power is viſible enough, as it heaves and ſtirs the outward agencies and ſigns of authority; and what might elſe have been a paltry ſtruggle, eaſily terminable, for court favour or military predominance, was by this converted into a war of principles, awful and irreconcilable, which ran its courſe with varying fortune through all ſubſequent time. The merchants and tradeſmen of the towns are now firſt recogniſable as an independent and important claſs. They have been enriched by that very intercourſe with foreigners which was ſo hateful to the claſs above them. They are inveſted with privileges wrung from the poverty of their lords. They are no longer liable to individual ſervices, but in place of them are paying common rents. They have guilds and charters inviolable as the fees of the great proprietors; and, incident to theſe, the right, as little now Struggle for power tranſformed to war of principles. Riſe of merchants and tradeſmen. Guilds and Charters.

to be diſputed as that of the feudal ſuperior had been, to hold fairs and demand tolls, to chooſe their own magiſtrates and enact their own laws. On the hearing of ſuch men, the proviſions of the Great Charter, read aloud from time to time in their County Courts, could not have fallen as a mere empty ſound. What was ſo proclaimed might be but half-enfranchiſement; it could indeed be little more, while ſerfdom remained in the claſſes directly beneath them; but it pointed to where freedom was, accuſtomed them to its claims and forms, and helped them onward in the direction where it lay. They joined the Barons againſt the foreign favourite.

Privileges and rights ceded to middle claſs.

The conflict had continued ſome time, and Henry was twenty-ſix years old, when his neceſſities again compelled him to call together a parliament; but twice his bidding was refuſed, and the meſſengers who bore the refuſal might have added the unwonted tidings, that ſongs ſung againſt the favourite, and filled with warnings to the ſovereign, might daily be heard in the ſtreets. Amid other ſigns and portents of ſocial change had now ariſen the political ballad. In it ſhone forth the firſt *vera effigies* of the Poitevin biſhop of Wincheſter; nimble at the counting of money as he was ſlow in expounding the goſpel; ſitting paramount, not in Wincheſter, but in Exchequer; pondering on pounds, and not upon his holy book; poſtponing Luke to lucre; and ſetting more ſtore by a handful of marks than by all the doctrines of their nameſake ſaint. Would the King avoid the ſhipwreck

King's ſummons for parliament not obeyed, 1233.

Political ballads.

Attack upon the Favourite.

of his kingdom? aſked the ſinger. Then let him ſhun for ever the ſtones and rocks (Roches) in his way. Quickly, too, were theſe warnings followed up. By no leſs a perſon than Pembroke's ſon, the ſtandard of rebellion was let looſe in the Welſh diſtricts; the clergy, oppreſſed by tax and tallage from Rome, began to take part in the general diſcontent; and in midſt of a feaſt at the palace, Edmund of Canterbury (Langton's ſucceſſor) preſented himſelf with a ſtatement of national grievances and a demand for immediate redreſs. He reminded the King that his father had well-nigh forfeited his crown; he told him that the Engliſh people would never ſubmit to be trampled upon by foreigners in England; and for himſelf he added that he ſhould excommunicate all who any longer refuſed, in that criſis of danger, to ſupport the reform of the government and the welfare of the nation. That was in February, 1234. In April, a parliament had aſſembled, Peter and his Poitevins were on their way home acroſs the ſea, the miniſters who had made themſelves hateful were diſmiſſed, and the oppoſition barons were in power.

General diſcontent.

Grievances reported and Redreſs demanded. February, 1234.

Parliament aſſembled and Favourite diſmiſſed. April, 1234.

This will read like the language of a modern day; but if ſuch events have any hiſtoric ſignificance, they eſtabliſh what in the modern phraſe can only properly be deſcribed as miniſterial reſponſibility and parliamentary control. Nor were they the ſolitary or iſolated events of their claſs which marked the feeling of the time. Again and again, during this prolonged reign, the ſame incidents recur, in preciſely

Miniſterial reſponſibility and Parliamentary control.

the ſame circle of reſiſtance and ſubmiſſion. There is an urgent requeſt for money, which is contemptuouſly refuſed; but on a promiſe to redreſs grievances, the ſubſidy is given. Then, Court coffers being full, Court pledges are violated; until again diſtreſs brings round the old piteous petition, and, with new conditions of reſtraint and conſtitutional ſafeguards before undemanded, aſſiſtance is rendered again. In five years from the incident I have named, the money ſo granted by Parliament was paid into the hands of ſelected Barons, with as ſtrict proviſo for account as modern parliaments have claimed over public expenditure; and in two years more, on the payment of certain monies to the Exchequer, the City of London exacted a ſtipulation that the Juſticiary, Chancellor, and Treaſurer might thereafter be appointed with the conſent of Parliament, and hold their offices only during good behaviour. And, at the very time when public faith was thus beginning to be exacted and recogniſed, law was taking the form of a ſyſtem. It was now that Bracton produced that treatiſe which went far in itſelf to eſtabliſh uniformity of legal practice, and ſo create our common law; nor had the reign for which this might have ſufficed as the ſole diſtinction, reached its cloſe, before the ſame great lawyer found himſelf able to reckon as ſuperior to the King "not "only God and the law by which he is made "king, but his Great Court (Curia Regis); "ſo that if he were without a bridle, that is, "the law, they ought to put a bridle upon "him." This Court, this Curia Regis, con-

Diſtreſs, Redreſs, and Supply.

Securities for public faith.

Law ſyſtematiſed. Bracton, 1250.

Curia Regis:

sisting of Chief Justiciary, Chancellor, Constable, Marshal, Chamberlain, Steward, and Treasurer, was what in modern time might be called the Cabinet of the King. Cabinet of the King.

But the achievement which most connects this thirteenth century with the struggles of the seventeenth, and with the associations of modern time, remains to be commemorated. Beyond doubt or question, and after due allowance for differences in a discussion where the most learned and calm of antiquarians have not been able wholly to divest themselves of party zeal, in the Great Council which met at Westminster on the 2nd of May, 1258, originated the House of Commons as a separate branch of the State. A memorable assembly: 2nd May, 1258.

Under the earliest Norman kings, what was called the Great Council appears to have been only another form of the Saxon Witan. A greater misapprehension of our constitutional history can hardly exist than that which would affect to discover in it any actual commencement of our modern House of Lords. The idea of an hereditary House of Lords did not at that time exist in England. A barony consisted of so many knights' fees; in other words, of so many estates from which the services of a knight were due; and a baron claimed his barony not as a lord (even the coronet was not worn until much later), but as a proprietor. The Council, in short, was distinctly representative. The dignity was territorial, resulting from the possession of fiefs of land; and if those fiefs were forfeited, alienated, or lost, the dignity departed with The Great Council under Normans: Not a House of Lords: Not hereditary, but representative.

them. But it is not difficult to diſcern how a larger parliamentary ſyſtem would almoſt neceſſarily ariſe out of ſuch baronial tenures. Through all the differences and diſſenſions of the many learned perſons by whom theſe matters have been diſcuſſed, and without touching the vexed queſtions which their learning has left ſtill unſolved, it ſeems tolerably clear that, whether or not tenure by knight's ſervice in chief was originally diſtinct from tenure by barony, they had become ſo ſeparated ſome time before the reign of John. Tenants in chief appear to have compriſed, in the firſt inſtance, only the King's immediate vaſſals; but as time wore on they could not ſo be reſtricted. Many of the greater baronies ſplit up and became divided; while the name of baron, no matter what number of fees it repreſented, or for the feudal ſervice of how few or how many knights it may have been reſponſible, was ſtill retained.

Germs therein of larger ſyſtem.

Break-up of elements of Council.

But this led to a natural jealouſy on the part of the greater proprietors; and in time to a broad diſtinction, in name at leaſt, between the more important of thoſe barons who held by their honours or baronies, and the leſſer proprietors whom grants of eſcheated honours might newly have created, or whoſe ancient rights had been reduced by eſcheat or decay. A tenant in chief was now not neceſſarily a baron; or he might be a baron of inferior grade. It is more difficult to determine what regulated the iſſue of writs of ſummons; but it ſeems probable that the ſame jealouſy to which alluſion has been made, brought about

Diſtinctions and grades of rank.

Varieties in writs of ſummons.

the diſtinction firſt obſervable in John's reign, between the greater baron ſummoned by his ſpecial writ, and the inferior tenants in chief called together by a ſummons directed to their ſheriff. It is clear alſo, that, though all were entitled to ſummons, the mere right of tenure could not diſpenſe with its forms; and an unſummoned tenant, without reſorting to ſuch remedies as might compel the iſſue of the writ, could not take his place in the Council.

Peculiarities of feudal repreſentation.

Up to this point, it will be obſerved, the principle is diſtinctly that of feudal repreſentation. The immediate vaſſals of the Crown, repreſenting certain land, poſſeſs the perſonal right to be preſent in parliament. They are the liegemen of the Sovereign; and by the univerſal feudal compact, though aid could be aſked of the liegeman, the man's conſent was neceſſary to legaliſe the aid; while the ſame relation, implying protection from the lord, conveyed a further right to inſiſt upon correſponding guarantees. In this view, the preſence of both larger and leſſer tenants was required, and was even exacted by the Crown as needful to the authority and execution of a law. But, as the inferior tenants increaſed in number, the tax for parliamentary attendance on men of ſmaller fortunes became intolerable; and their conſent and attendance came to be implied in that of the greater barons. Still, they were ſuppoſed to be in the Council; and it ſeems to me that to the mere form and legal fiction thus reſorted to, may be traced the gradual tranſition from a feudal to a real repreſentation. The ſure though ſilent power, with which a

Aid for Protection.

Leſſer tenants repreſented by larger.

Tranſition

from feudal to real rights.

growing ſociety of men will modify and adapt old inſtitutions to new neceſſities, at once widening and ſtrengthening their foundations, is for the moſt part happily unknown to thoſe who might otherwiſe not unſucceſsfully ſtrive to control it.

As the inferior tenants in chief withdrew gradually from the Council, its component members became reſtricted to the biſhops and abbots, the earls and barons, the miniſters and judges, and neighbouring knights holding of the Crown. But the language of the writs continued to imply a much larger attendance. When, for example, the Great Charter was confirmed in the ninth year of Henry's reign, the roll informs us that at the ſame time a fifteenth had been granted in return by the biſhops, earls, barons, knights, free tenants and all of the kingdom (*et omnes de regno noſtro Angliæ*); and when a fortieth was granted ſeven years later, there is put forth, as having concurred in the grant, the ſtrange and ominous combination of biſhops, earls, barons, knights, freemen *and villeins*. This was indeed a fiction, but with an expanding germ of truth. The conſent of particular claſſes was to be underſtood, as a matter of courſe, to have been included in that of others. But the very emptieſt acknowledgment of a right is precious. The right itſelf waits only its due occaſion to aſſume the ſubſtance and importance of reality.

Language of writs of ſummons.

Fictions foreſhadowing truths.

Forms conveying Subſtance.

Nor had the Engliſh freeman, even under his earlieſt Norman kings, been wholly without the means of knowing what repreſentation meant. When the Conqueror or his ſons had

any ſpecial reaſon to make inquiry into their own rights; when particular wrongs of the people reached them, or when peculations were charged againſt their barons or officers; nothing was more common than a commiſſion of knights in each ſhire, not ſimply named by the Sovereign (as when the Conqueror iſſued an inquiry into the details of the Saxon law), but quite as frequently elected in the County Court, whoſe buſineſs it was to proceed from hundred to hundred, to make the inveſtigation upon oath, and to lay its reſult before the King in council. The Great Charter contained a proviſion for the election of twelve knights in the next court of each county to inquire into foreſt abuſes. In the ſeventh year of the reign now under notice, every ſheriff was ordered to inquire, by means of twelve lawful and diſcreet knights, what ſpecial privileges exiſted in his ſhire on the day of the firſt outbreak between John and his barons. And in the year of the aſſembling of the Great Council to which theſe remarks apply, a commiſſion of four knights in each county received it in charge to inquire into certain exceſſes committed by men in authority. In relation to the levy of ſubſidies alſo, the ſame rule came to be adopted. The moſt ancient example on record of a ſubſidy (that of 1207) is found to have been collected by the itinerant judges; but only thirteen years later, the office of collection is ſeen to be deputed to the ſheriff, in conjunction with two knights to be choſen in a full court of the county, with the conſent of all the ſuitors.

Commiſſions of inquiry in ſhires.

Old inſtitution adapted to new uſes. 1223.

County repreſentation begins.

Collection of taxes in 1207 and 1220.

Beginning of the end.

Was it not obvious that ſuch uſage as this muſt grow as the people grew? Were not the collection of taxes, and reports of grievances, manifeſt ſteps to a power over the money collected, and to a right of petition againſt the grievances expoſed? Is it difficult to diſcern, throughout theſe efforts of Norman royalty to check the exceſs of its miniſters, and obtain the co-operation of its people, the vague formation of that authority and houſe of the Commons, which was to prove more formidable than either of the powers it was called into exiſtence to control?

Vague formation of authority of Commons.

Soon what was vague became more diſtinct. It wanted yet two years of the date of the Great Charter, when a writ was iſſued marking the firſt undoubted tranſition towards the change ſo vaſt and ſo memorable. This contained a ſummons for military ſervice, with an order that four diſcreet knights of the county ſhould be ſent to Oxford without arms to treat with the King concerning the affairs of the kingdom. In other words, it was a ſummons to Parliament, in terms the ſame as thoſe of a later period; and it was followed, after an interval of forty years, by another and more deciſive inſtance. While Henry the Third was on the continent in 1254, his Queen and Regents ſummoned the tenants in chief to ſail to his aſſiſtance; and gave order, in the ſummons, that "beſides theſe, two lawful and diſcreet "knights ſhould be choſen by the men of "every county, in the place of all and each "of them, to aſſemble at Weſtminſter, and "to determine with the knights of the other

Gradual ſteps thereto. 1214.

Scheme to obtain money from ſhires. 1254.

"counties what aid they would grant to their "Sovereign in his preſent neceſſity, ſo that "the ſame knights might be able to anſwer, "in the matter of the ſaid aid, for their "reſpective counties."

Knights to anſwer for their counties.

Of the meaning of ſuch a writ and its return, there cannot ſurely be a queſtion; nor is it eaſy to underſtand the diſcuſſion it has provoked. Call it ſingular, anomalous, or by what name may moſt ſuitably expreſs its irregular character; except it from ordinary parliaments, and call it a convention; ſtill the undeniable fact remains, that it was a ſcheme to obtain money from the Commons of the various counties, and that to this end it preſcribed the election of repreſentatives whoſe deliberation and aſſent ſhould control thoſe of their conſtituents. The language of the writ connects itſelf undoubtedly with that of its predeceſſor in the fifteenth of John; and it is quite immaterial whether or not the barons, and higher tenants in chief, were ſummoned to ſit with theſe knights. Enough that the Commons of the ſhires were thus admitted to a co-ordinate ſhare in the impoſition and voting of taxes; for, whatever antiquarians may urge as to Parliament's uſe of one chamber at Weſtminſter up to the middle of the third Edward's reign (abundant proof exiſts of ſeparate ſittings in other parts of England), it is ſufficiently clear that the voting muſt always have been by each order ſeparately, and without interference from each other. The mere circumſtance of the different proportions of taxation would eſtabliſh this.

Repreſentatives to impoſe taxes.

One chamber at Weſtminſter: ſeparate ſittings elſewhere.

In the thirty-eighth of Henry the Third, Admiſſion

of third eſtate.

then, the principle of a real repreſentation had become part of the conſtitution of England, and the third eſtate of the realm took a direct ſhare in its government. Yet, momentous as the conceſſion was, it had been obtained by no violent effort, but ſimply as the unavoidable reſult of the increaſing importance of the people. From leſſer they had riſen quietly to higher duties. The knight, whoſe buſineſs it had been to aſſeſs ſubſidies, had found gradual admiſſion by the ſide of the earls and barons, to help in the diſpoſition and diſtribution of the money obtained; and that he and his fellows were ſo received diſtinctly as the deputies of others, appeared even in the remuneration ſet apart for them. Great men, ſuch as earls and barons, who attended in their own right, paid their own charges; but men of ſmaller ſubſtance, who had undertaken merely to tranſact buſineſs for others, were held to have a title to compenſation from thoſe in whoſe behalf they acted. As they were paid for their labour in aſſeſſment, ſo for their ſacrifice of time and labour in repreſentation they were paid. Wherefore a rate levied on the county diſcharged their expenſes for ſo many ſpecified days, in "going, ſtaying, and returning."

Knights ſit with lords.

Lords pay, ſitting in their own right.

Knights are paid, ſitting for others.

On another branch of this inquiry, too, which has been ſadly encumbered with needleſs learning and miſplaced vehemence of diſcuſſion, the county rate would ſeem to have an important bearing. It has been aſſumed, by thoſe antiquarians who would narrow as much as poſſible the baſis on which our freedom is built, that the repreſentative knights, as repreſenting

County rates.

ſimply the inferior tenants in chief from whoſe reluctance to attend in Parliament they firſt derived importance, are not to be taken to have had relation to the county at large. But this aſſumption is negatived by every reaſonable ſuppoſition. The wages of the knights were levied on the whole county (*de communitate comitatûs*); and the meſne tenant could hardly have been denied a right, to the ſupport of which he was obliged to contribute. That what concerned all ſhould be approved by all, was a maxim not unuſed by even Norman kings. The language of the writs of election, alſo, cited with pardonable exultation by Prynne in the early ſittings of the Long Parliament, is clear and ſpecific. The tenants in chief are never mentioned in them; while tenants of the Crown implied tenants both by free and by military ſervice. The condition required of the candidate, was to be diſcreet and lawful; of the electors, to be ſuitors of the county; and of the election, to be made in a full court. A full County Court was always the leaſt feudal of the modified feudality that lingered in England. It compriſed all freeholders; whether of the King, of a meſne lord, or by military or any free ſervice; and in the reign of Henry the Third therefore, not leſs certainly than in that of Victoria the Firſt, the knights of the ſhire repreſented, without regard to the quality of tenure, the whole body of freeholders.

Wages of knights levied on entire county.

Election by full County Court.

All freeholders compriſed:

And repreſented by knights of ſhire.

Still, they were knights. Their ſtation aſſociated them with the earls and barons. They were part of what in feudal inſtitution was

held to be a lower nobility. They ranked above the ordinary burgeſs or citizen. They repreſented the power of the Commons, but they were not commoners; even when the commoners ſat apart, they continued to ſit with the barons; and as yet no man ſeems to have dreamt that the claſs even lower than theirs could ever be raiſed to the national councils, whether in ſeparate, co-ordinate, or ſubordinate rank. Though the principle which by eaſieſt preſſure expanded to admit them, had been winning its gradual way for centuries to the acknowledgment it had at laſt obtained, yet that lower claſs were ſtill ſhut out. But, what ages and generations are needed to prepare, the man and the hour accompliſh; and both were at hand when the Great Council, having met at Weſtminſter on the 2nd of May, 1258, yielded to the demand of Simon de Montfort that a parliament ſhould meet at Oxford in June. The ſtruggle which then began, filled more than ſix eventful years; but at laſt the day arrived, never to be forgotten in Engliſh ſtory, and on the 14th December, 1264, writs went forth calling together repreſentatives from the counties, cities, and boroughs, to meet the prelates and great lords: and the firſt enactment of that moſt memorable aſſemblage, giving ſolemn confirmation to charters and ordinances, ran as by common conſent "of the King, his ſon Edward, the prelates, earls, barons, *and commonalty of the realm.*"

Reſults of ſuch repreſentation.

Ages prepare what the hour produces.

Six eventful years.

Writs for firſt Houſe of Commons, 14th Dec. 1264.

That, from the poſition thus gained, the commonalty never again were diſlodged, is the ſuffi-

cient anſwer to thoſe who would aſcribe the victory leſs to the cauſes I have retraced than to the ſudden needs of a faction of the barons. As of right the commonalty took, and they kept, the place to which they were called; and we may diſmiſs as of the leaſt poſſible importance the queſtion whether the power was uſurped that called them. Their exiſtence once recogniſed, no man was found to gainſay it; their poſition and place once diſcovered, everything helped to make it more deciſively plain. In the reigns of the firſt and ſecond Edwards, and their ſucceſſors, we find them in actual efficiency as a branch of the State; and in ſpite of the weaker princes, as with the help of the wiſer and ſtronger, their power was ſtill to grow.

Rights gained once, gained always.

Power of Commons ever growing.

Edward the Firſt had not occupied his father's throne three years, when a ſtatute was paſſed that foraſmuch as election ought to be free, no man by force of arms, nor by malice or menacing, ſhould diſturb any to make free election. It was in this reign alſo (when ſo many great improvements in the laws were effected that to Edward has been aſcribed the too lofty title of the Engliſh Juſtinian) that the reſidents of the various counties, in which the Jury Syſtem had been finally conſolidated, obtained the power, afterwards ſurrendered and loſt, of electing their own ſheriffs. In the thirteenth of the ſame prince, what proved to be one of the heavieſt blows to the ſyſtem it was meant to guard was ſtruck by the arming of all claſſes: for then was paſſed the Great Statute of Wincheſter, by which every man in

Edward I. 1271.

Election of Sheriffs.

Great Statute of

Winchester, 1284. the kingdom, according to the quantity of his lands and goods, was aſſeſſed and ſworn to carry weapons. The leſſon had now been taught to two eſtates of the realm, that in the third, as yet unknown to itſelf, the ſupreme force lay; and the ability or power moſt effectively to make common cauſe with the third, was hereafter to be the meaſure of gain or loſs to either of the other two. A curious example preſents itſelf in the ſucceeding reign. Under Edward the Second, when beyond all queſtion the Commons ſat, as well as voted, apart from the temporal and ſpiritual Barons, numerous boroughs were expreſſly created with the deſign of ſtrengthening the regal as oppoſed to the ariſtocratic influences; and it was alſo then that, in a very remarkable ſtatute, equal legiſlative power with the other eſtates was claimed for the commonalty, not as a new pretenſion, but as a fundamental uſage of the realm. "The matters," they ſaid, "to be eſtabliſhed "for the eſtate of the king and of his heirs, "and for the eſtate of the realm and of the "people, ſhall be treated, accorded, and eſtab-"liſhed in parliament, by the king, and by the "aſſent of the prelates, earls, and barons, "and the commonalty of the realm, *according* "*as hath been before accuſtomed.*" Then, too, the Great Charter was again confirmed, with the ſtriking addition of "foraſmuch as many "people be aggrieved by the king's miniſters "againſt right, in reſpect of which grievances "no one can recover without a common par-"liament, we do ordain that the king ſhall "hold a parliament once in the year, or twice,

Edward II. 1307.

Creation of Royal Boroughs.

Equal power claimed for Commons.

Proviſion for aſſembling of Parliaments.

"if need be." In the ſucceeding reign ſix different ſtatutes confirmed and ſtill more enlarged its proviſions; and when both the firſt and the third Edward, in the plenitude of their power and their ſucceſs, attempted without direct authority from Parliament to impoſe taxes on the people, they both had to ſuffer defeat. Edward the Firſt ſtruggled long to reverſe that deciſion; and in the end had but to enter into more ſpecial covenants that he would never again levy aid without the aſſent and good-will of the eſtates of the realm. From the weak government of his ſon and ſucceſſor, the power was deciſively wreſted; and money ſupplies were almoſt always afterwards, or at leaſt with rare exceptions, made conditional, not merely that the ſpecific ſervices for which they were voted might be ſecured, but that, as the voluntary gift of lords and commons, they ſhould not by any pretence be drawn into precedents as of right or force.

Confirmations of Great Charter.

Attempts to impoſe taxes without Parliament.

Money ſupplies made conditional.

The long and remarkable reign of Edward the Firſt's grandſon is the date of the Statute of Treaſons, one of the greateſt gains to conſtitutional freedom. It limited the crime, before vague and uncertain, to three principal heads; the conſpiring the King's death, the levying war againſt him, and the adhering to his enemies; and, if any other caſes for queſtion ſhould ariſe, it prohibited the judges from inflicting the penalty of treaſon without application to Parliament. Then alſo were paſſed thoſe memorable acts againſt arbitrary conſcription and compulſory preſſing of ſoldiers, ſo repeatedly cited in the conflict with Charles

Edward III. 1327.

Statute of Treaſons.

Acts againſt Conſcription.

the Firſt, which ſaved to every man, except upon "the ſudden coming of ſtrange enemies "into the realm," the obligation to arm himſelf only within his own ſhire. Without a ſtruggle of which our records have kept the trace, theſe popular gains were won. What weaker ſovereigns would have perilled life to hold, the third Edward conceded freely. He was too clear-ſighted to graſp at a ſhadow when already he held the ſubſtance, and he was too powerful to fear conceſſions that had a tendency without danger to the throne to conciliate the other authorities of the realm. Peace had her victories for him, therefore, not leſs renowned than thoſe which he obtained in war. He could compoſe or amuſe his reſtleſs Lords by a politic foundation of the order of the Garter, as he propitiated his diſcontented Commons by a frank redreſs of the complaint or grievance. No manlier prince, and none more prudent or ſucceſsful, ever occupied the Engliſh throne. No influence from the throne having plainer tendencies to popular cultivation, was ever left to a ſucceeding age. He had played with conſummate genius the part of the firſt man in the realm. He had intereſted men in himſelf for no apparently ſelfiſh reaſons, had juſtified his own ambition by the ambition of a common country, and had aggrandiſed his own glory as the ſummit of the nation's greater glory. Even his palaces gave the feeling of elevation to his people. The magnificent ſtructures of Weſtminſter Hall and Windſor rank juſtly with the intellectual influences that were then diffuſed; and, as though an era of

No forced preſſing of Soldiers.

Character of Edward III.

Victorious in peace as well as war.

Firſt man in the realm.

Intellectual influences of his reign.

ſo much that was great ſhould not paſs without a mark to diſtinguiſh it among even the greateſt of all future time, the poet Chaucer aroſe to charm and inſtruct his countrymen, and, by the purification of their native tongue, to complete the national fame. Nor was this (perhaps the higheſt diſtinction of Edward the Third's reign) to paſs without leaving traces in his ſtatute-book. With much appropriateneſs it was enacted, in the thirty-ſixth year of his government, that the Engliſh language which had been thus ennobled, ſhould in future be uſed as the language of legiſlation.

Chaucer: 1328.

Improvement of Engliſh:

Adopted in Parliament rolls.

The greateſt of the Edwards governed England for fifty years, and called together ſeventy parliaments. He was ſucceeded by a prince of qualities in all reſpects the reverſe of his, and whom Parliament depoſed. Yet not more certainly in the enforced reſignation of the crown which cloſed the reign, than in the rebellion of the ſerf-claſs which ſignaliſed its commencement, did Richard the Second's rule bear teſtimony to the ſtrength and efficacy of principles promoted equally by the rule of Edward. Placed even on the inferior ground of a conflict between the higher powers of the State; calling it mere gain to the King when he broke down the excluſive pretenſions of the great lords by forcing their Houſe to recogniſe his writs of ſummons, and counting it but as a new privilege to the Barons when they led Henry of Lancaſter to the throne; the conſequences of this reign were momentous. With at leaſt the nominal co-operation of the conſtituted authorities of his empire, a legitimate

Richard II. 1377.

Reſults of Richard's depoſition.

People's power to alter the ſucceſſion:

King had been depoſed; and never was it afterwards diſputed, that the ſolid and ſingle claim of the dynaſty which took his place, reſted upon the ability of Parliament, or of the power which thoſe Lords and Barons with all England armed behind them repreſented, ſo to alter the ſucceſſion. By the wording of the acts of ſettlement connected with the change, that moſt eſſential principle of popular right was fully admitted; and from them were derived the hiſtorical and legal precedents which, down to our own time, have proved moſt advantageous to the people.

Sole claim of Houſe of Lancaſter.

The people's political importance was in fact eſtabliſhed by it. It ſtruck out from the dictionary of the State the terms of 'divine right,' and 'indefeaſible power.' "I confeſs," ſaid the humbled prince to the men who had withdrawn their allegiance, "I recogniſe, and, from cer- "tain knowledge, conſcientiouſly declare, that "I conſider myſelf to have been, and to be, "inſufficient for the government of this king- "dom, and for my notorious demerits not "undeſerving of depoſition." Nor was the voluntary abdication held ſufficient. The Houſes of Lords and Commons, in ſolemn conclave in the hall at Weſtminſter, made Richard the Second's renunciation of his crown their own compulſory act, and, amid the ſhouts of the common people who had there aſſembled, Henry of Lancaſter was conducted to the vacant throne.

Terms of Richard's ſubmiſſion.

His abdication made compulſory.

Hardly at any preceding period, even among the Saxons, had the popular principle taken more viſible ſhape than on that momentous

occaſion. It was only ſome few years before that the excluſive pretenſions of the barons had been invaded, by admiſſion of regal writs of ſummons into their houſe; and here they were now themſelves inducting a new ſovereign to the ſeat of ſupreme power, with leſs guarantee that he would found his future pretenſions on the fidelity of their ſwords, than that he would reſt it rather on the adheſion of the people. From thoſe approving ſhouts, in which the old Saxon liberty might again ſeem pealing through the air, there doubtleſs fell more ſafety on the ear of Bolingbroke, than from the mailed tread of the barons who led him to Richard's chair. May we not even accept the fancy of the poet whoſe genius takes rank with hiſtory, and ſuppoſe the new ſovereign of the houſe of Lancaſter, for years before this crowning day, a ſuppliant candidate for the popular cries that at length hailed the downfall of the family of York?

Popular principle accepted.

Adheſion of the people.

Soliciting the Throne.

> Ourſelf, and Buſhy, Bagot here, and Green,
> Obſerv'd his courtſhip to the common people.
> How he did ſeem to dive into their hearts,
> With humble and familiar courteſy;
> What reverence he did throw away on ſlaves,
> Wooing poor craftſmen with the craft of ſmiles,
> And patient underbearing of his fortune,
> As 't were to baniſh their affects with him.
> Off goes his bonnet to an oyſter wench;
> A brace of draymen bid . . God ſpeed him well. .
> And had the tribute of his ſupple knee,
> With . . 'Thanks, my countrymen! my loving friends!'
> As were our England in reverſion his,
> And he our ſubjects' next degree in hope.

Shakeſpeare's Bolingbroke.

Nor did theſe crafty courteſies ceaſe, on attainment of their firſt great object. Every popular limitation of his right was accepted

Henry IV. 1399.

King Bolingbroke.

ungrudgingly by the firſt prince of the houſe of Lancaſter. Wary as he was bold, the policy of Bolingbroke continued to be the policy of Henry the Fourth. The parliamentary authority which had given him power, and the popular ſympathies which had confirmed his title, were in every poſſible way promoted by him during the fourteen years of his great though ſtill diſputed rule; and no one who examines the preambles and other wording of the ſtatutes that were paſſed in his reign, can fail to be ſtruck with the ſenſe of how much the commoneſt orders of the people muſt have riſen ſince the date of the reign of John, in all that, with the feeling of perſonal power, brings the hankering after political privilege, gradual means to eſtimate freedom at its value, and ſtrength ultimately to win it. Henry's firſt Houſe of Commons re-aſſerted the right on which his title was baſed, by taking on itſelf to recogniſe his ſon as prince of Wales and heir apparent to the throne. This proceeding was revived and confirmed in the year 1404, when the ſovereign obtained from the parliament a formal permiſſion that the right of ſucceſſion to the crown ſhould be veſted in the prince's brothers, if he himſelf ſhould die without heirs. In 1406 another and greater ſtep was taken, the Commons themſelves in that year carrying up a petition to Henry, to limit the ſucceſſion to his ſons and their heirs male. This was in effect a precedent for the ſettlement of the crown in after years on the houſe of Hanover.

Elevation of the people.

Parliamentary aſſumptions.

Precedent for Hanoverian ſucceſſion. 1406.

Other precedents, ſcarcely leſs important,

date from this reign. In the first session of Henry the Fourth, a law was passed that no judge should be released from the penalty affixed to the sanction of an iniquitous act, by pleading the orders of the king, or even danger to his own life from the sovereign's menaces. In the second year of the reign, the practice which was afterwards one of the strongest bulwarks of popular privilege, and which had now been for some time substantially operative, was formally insisted on as a right; and a necessary supply was proposed to be withheld from the prince until he had answered a petition of the subject. The Commons in person, headed by their Speaker Sir Arnold Savage, formally proffered this bold claim. Three years later, the king was desired to remove from his household four officers, one of them his own confessor, who had given offence to the Commons; and Henry complied with the request, that he might not, as he said, leave the wishes of his faithful subjects unsatisfied. At the same time he informed them that he knew of no offence which the persons complained of had committed. In the sixth year of the same reign, while the Commons voted the king supplies, they appointed treasurers of their own to make sure that the money was disbursed for the purposes intended. In that year, also, new laws to regulate parliamentary elections attested the rapidly increasing strength of the third estate. A statute on "the grievous complaints of the Commons "against undue elections for shires from the "partiality of sheriffs," and directing "that in

No judge to plead King's orders.

Claim to make supplies conditional on redress. 1401.

Officers Household removed. 1404.

Law for regulating County Elections.

All Freeholders to vote.

"the next County Court, after writs for parliament are delivered, proclamation ſhall be made of the day and place of the parliament, and that all they that be there preſent, as well ſuitors duly ſummoned as others, ſhall proceed to the election freely and indifferently, notwithſtanding any requeſt or command to the contrary"—bears date in the year 1406.

The lack-learning Parliament. 1406.

That was the year, too, in which the Houſe of Commons having been aſked to grant ſupplies, ſtartled the King with a plain propoſal that he ſhould ſeize all the temporalities of the Church, and employ them as a fund reſerved for the exigencies of the State. It is needleſs to deſcribe what the Church was then, or the extent to which the ill-gotten wealth of the regular clergy had attained. Its accumulation had been checked by ſtatutes of mortmain under the firſt and third Edwards, but theſe again were eluded by licences of alienation; and the competent evidence of Biſhop Burnet permits us to add that the hand of a churchman is not very ready to let go what once it has firmly graſped. Even more objectionable than the extent of this wealth, was its unequal apportionment. While ſuch abbots as thoſe of Reading, Glaſtonbury, or Battle, lived with the riotous pomp of princes and paſſed their days in feaſting, thouſands of monks, learned and laborious, were ſtruggling with ſordid poverty in its loweſt and moſt degrading forms. The project of the Commons included, therefore, a general and reaſonable endowment of all the clergy, to precede any ſtate appropriation of

Accumulation of Church property.

Its unequal diſtribution.

the enormous ſurplus of eccleſiaſtical revenues. The argument they urged for it, and again and again repeated, was, that ſuch exorbitant riches no leſs than ſuch too ſcanty earnings could tend only to diſqualify all ſections of the Church for the due diſcharge of miniſterial functions; and though they failed in their immediate purpoſe, and had a heretic or two burned in their faces by way of archiepiſcopal revenge, and were dubbed by the higher clergy in ſcorn a lack-learning parliament, they might have felt that, by the very agitation of ſuch a queſtion, the ſeeds were ſown of no partial gain for poſterity. The Church itſelf had moſt reaſon to regret its immediate failure. But it led to ſome important checks on clerical privilege; and the thirty articles which, two years later, were not only propoſed but conceded, for the regulation of the King's houſehold and government, have been declared by Mr. Hallam, an authority well entitled to reſpect, to form a noble fabric of conſtitutional liberty, hardly inferior to the petition of right. The Sovereign was required to govern by the advice of a permanent council; and this council, together with all the judges and the officers of the royal houſehold, were bound by ſolemn oath to parliament to obſerve and defend the amended inſtitutions. It eſtabliſhed in effect the principle of miniſterial reſponſibility; and it is a remarkable evidence of the ſame ſpirit, and of the ſtrong popular impulſe favoured, if not created, by the acceſſion of the Houſe of Lancaſter, that an attempt made by the Lords to interfere with the taxation of the people, in the year after the

Propoſal to ſeize it for better appropriation.

Failure of attempt.

Thirty articles for regulation of King's affairs.

Miniſterial reſponſibility eſtabliſhed. 1410.

Interference with Taxation by the Lords reſiſted.

County Elections Bill paſſed, was ſtrongly reſented and reſiſted by the Lower Houſe, as in great prejudice and derogation of their liberties.

To this, then, had been brought, at the opening of the fifteenth century, that claim of a Sovereign Authority which in the older time had certainly been conceded to the Norman King. For it would be as idle to doubt in what diviſion of the State the Conqueſt temporarily veſted ſuch authority, as to deny that many forms of it ſtill were retained long after its ſubſtance and vitality had departed. Still, for example, the courſe of legiſlative procedure retained veſtige of excluſive kingly rule. Petitions were ſtill preſented by the Commons, conſidered by the Lords, and replied to by the King; which, being entered on the parliament roll, formed the baſis of legiſlation by the monarch himſelf. Even down to Henry the Fifth, indeed, on the authority of a ſomewhat remarkable remonſtrance found on the roll, we find it alleged as a not unuſual practice for the King, taking advantage of the cuſtom which had ſo ariſen of leaving ſtatutes to be drawn up by the judges from the Petition and Anſwer during the parliamentary receſs, to induce or compel the judges to miſrepreſent and falſify the intentions of parliament, by producing ſtatutes to which it had not given aſſent. But how ſtrikingly it proves that the ſovereign authority, as a real working power, had declined, and that the Houſes, repreſenting the power which ſtood in arms behind them, had riſen, when ſuch artifices were thought

Changes ſince the Conqueſt.

Petitions and Bills.

Royal evaſion of Parliamentary control.

worth reſorting to; and how ſignificant the fact that in the very next reign even the form diſappeared altogether, and, in place of the old Petitions, the introduction of complete ſtatutes under the name of Bills was effected. Bills ſubſtituted for Petitions.

What the ſword had won the ſword ſhould keep, ſaid Henry the Fifth on his acceſſion; but what was meant by the ſaying has its comment in the fact that in the year which witneſſed his victory at Agincourt, he yielded to the Houſe of Commons the moſt liberal meaſure of legiſlative power which until then it had obtained. The dazzling ſplendour of his conqueſts in France had for the time caſt into ſhade every doubt or queſtion of his title, but the very extent of thoſe gains upon the French ſoil eſtabliſhed only more deciſively the worſe than uſeleſſneſs of ſuch acquiſitions to the Engliſh throne. It is a ſtriking example of the good which is wrought out of evil by an all-wiſe and over-ruling Providence, that the very miſchiefs incident to theſe wars, the neceſſity for unuſual ſupplies, and the unavoidable burdens thrown upon the people, led to ſuch legiſlative conceſſions of a popular kind as till then had not been obtained. The neceſſities of the ſovereign were ſupplied, but the full equivalent was demanded and received in a maintenance of the reſtraints upon his prerogative. The diſtinction of Henry's reign in conſtitutional hiſtory will always be, that from it dates a power, indiſpenſable to a free and limited monarchy, of which not only were the leading

Henry V. 1413.

Good out of evil.

Advantage to Commons from HenryV.'s wars.

Further reſtraints on the prerogative.

ſafeguards now obtained, but at once ſo firmly eſtabliſhed, that againſt the ſhock of inceſſant reſiſtance in later years they ſtood perfectly unmoved.

Admiſſion of rights of legiſlature.

They had followed, as a kind of inevitable conſequence, from that formal admiſſion of legiſlative rights in the Commons, juſt adverted to, which led to the change from Petitions to Bills. An Act had been paſſed, providing that "from this time forward, by complaint "of the Commons aſking remedy for any miſ- "chief, there be no law made thereupon, which "ſhould change the meaning by addition or "by diminution, or by any manner of term "or terms;" and a formal grant, in the name of the King, was at the ſame time appended to it, ſtating that from thenceforth, nothing "be enacted to be petitions of his Commons "that be contrary to their aſking, whereby "they ſhould be bound without their aſſent." It was hardly to be expected, therefore, that when ſubſequently, in the ſame reign, the Commons claimed certain rights and exemptions needful to the diſcharge of their truſt, to laſt as long as the truſt laſted, and to ceaſe when it was laid down, ſuch a demand could ſafely be reſiſted. Among other things, they required perſonal releaſe from ſuch judicial proceedings as might impede parliamentary functions. They aſſerted the right to an abſolute deſpotiſm concerning every thing that paſſed within their own walls. They exacted the excluſive juriſdiction of offences which tended to impair their powers or obſtruct their public duties. In a word, they achieved what was thenceforward

Law againſt tampering with petitions.

Exemptions claimed for members of the Commons.

known by the formidable name of Privilege of Parliament; the ſhield and buckler under which all the battles of liberty and good government were fought in the after time. An attempt to drag the adjudication of the privilege into courts of law followed; when, in the famous caſe of Thorpe the Speaker, the judges declared "that they would not deter- "mine the privilege of the High Court of "Parliament, of which the knowledge be- "longeth to the Lords of Parliament, and not "the juſtices." Nor will it be hazardous to predict that when this privilege is in any material point abandoned, political freedom is at an end. When deputed rights are ſucceſsfully aſſailed, abſolute rights are no longer ſafe; and parliaments without parliamentary liberties, as Pym nobly ſaid, will be but a fair and plauſible way into bondage. Not many years afterwards, another moſt momentous claim was conceded, for which the preſent right had ſerved to herald the way. This was the awful power of Impeachment, which, alſo won in the ſame reign, was never again loſt.

Privilege of Parliament.

Thorpe's caſe.

Eſtabliſhed againſt the courts.

Right of impeachment won.

For let it not be thought that all the fruits of the hard-fought liberal victories were at once gathered in and ſtored for peaceful and uninterrupted enjoyment. What moſt impreſſes the careful ſtudent of early Engliſh hiſtory, is the marked diſtinction he finds it neceſſary to keep before him, between the ſecurities of civil freedom as generally exiſting and in ſubſtance, recogniſed, and their violation as frequently and flagrantly permitted. Still the violation, when it occurred, was ſeen

Liberal gains intercepted.

Freedom outraged

but not loſt.

to be ſuch. "So when the Lion preyeth," as brave old Sir Edwin Sandys told the Houſe of Commons early in James the Firſt's reign, "no cauſe to think it his right." So when James claimed a privilege of the Plantagenets as a flower of the Crown, "the flower hath had "a long winter, then," quaintly interpoſed Sir James Whitelocke, the father of Bulſtrode, "ſince it hath not budded theſe two hundred "years!" Of a mingled character in this reſpect were the reſults of the long and bloody conteſt, now about to begin, between the rival branches of the Plantagenet family; but it does not admit of doubt that the final predominance of the houſe of Lancaſter was, like its acceſſion, favourable to popular liberty.

Conceſſions to force.

Henry VI. 1422.

The influence from which it firſt derived authority, ſtill imparted power. The right of parliament to alter the ſucceſſion was the title on which that houſe reſted, and in its continuance the popular ſanction was implied. The legiſlation of Henry the Sixth was leſs popular than that of Henry the Fourth, but the very fact marks the progreſs which had been made in the interval. Henry the Fourth's ſtatute "againſt undue Elections for Shires from "the partiality of Sheriffs," gives the power of voting to every one preſent at the place of election, as well ſuitors duly ſummoned as others. Henry the Sixth's ſtatute "for the "due Election of Members of Parliament in "Counties," limits the right to ſuch as poſſeſſed forty ſhillings a year in land free from all burthens within the county, but offers priceleſs proof, in the very terms of its pre-

Differences in quarter of a century.

Voting of all freeholders in counties.

amble, of how great had been meanwhile the advance among the commoneſt orders of the people in at leaſt a knowledge of their ſtrength and their pretenſions to power. "Whereas," it ran, "the election of knights has of late, "in many counties of England, been made "by outrageous and exceſſive numbers of "people, many of them of ſmall ſubſtance "and value, yet pretending to a right equal "to the beſt knights and eſquires, &c." As the period of the acceſſion of the family of Tudor approaches, the full effect of influences that had led to ſuch legiſlation is diſtinctly ſeen.

Limited to forty-ſhilling freeholders.

Greater importance of the people.

The heavieſt blow had been ſtruck unconſciouſly at the feudal ſyſtem in England when the third eſtate of the realm obtained a formal place in the legiſlature, and with the acceſſion of Edward the Firſt the feudal tenures and privileges had begun rapidly to decline. Domeſtic and prædial ſervitude had alſo been aboliſhed, or had fallen to diſuſe; and though villenage was never repealed by any regular enactment, the peaſantry had gradually been emerging from it into the ſtate of hired labourers and copyholders. During the interval up to the wars of the Roſes, without expreſs external aid, ſociety had been finding for itſelf a more eaſy level throughout its various gradations. The few ariſtocratic privileges that remained were no peculiar burden on the knight, the gentleman, or the yeoman, the burgeſs, or the labourer; and, what is very important to keep in mind, theſe ſeveral particular claſſes had obtained their form and

Feudality declining.

Villenage paſſed away.

Changes in Society.

place in ſimple obedience to the working of general laws. Servitude or villenage was no part of feudaliſm; and the tendency of the feudal ſyſtem itſelf was to decay, in proportion to the higher development of that principle of mutual rights and duties, and of the correſponding obligations thereby engendered, on which feudaliſm was founded.

Higher developments of feudal principle.

A more ſtriking illuſtration of this truth could not perhaps be afforded than by the contraſt, which has not eſcaped obſervation, between the inſurrections of Wat Tyler and Jack Cade. It is the remark of Sir Frederick Eden, in his excellent book on The Poor, that in the earlier of theſe popular tumults, which, notwithſtanding the atrocities that attended it, very materially contributed towards the extinction of ſervitude, the language of the rebels, who were chiefly villeins, beſpeaks men not unacquainted with the eſſential requiſites of rational liberty. They required the abolition of ſlavery, freedom of commerce in market towns without tolls or impoſts, and a fixed rent on lands inſtead of ſervices due by villenage. But more remarkable and worthy of notice is the advance which, after the comparatively ſhort interval of three quarters of a century, Jack Cade's rebellion proclaimed. Here there is nothing to connect the movement with any forms of ſerfdom. What rebels now claimed with arms in their hands, was the redreſs of ſuch public wrongs as the King's profligate expenditure, and the ſubject's expoſure to illegal exactions in order to maintain it; the preference of foreigners over

A contraſt.

1381. Tyler's Rebellion. Popular demands.

1450. Cade's Rebellion. Popular demands.

Engliſhmen in the offices of State; the groſs wrongs committed by ſheriffs and the collectors of taxes; the imperfect and uncertain adminiſtration of juſtice; and finally (moſt memorable grievance of all) the unwarrantable interference of the nobles in elections for the Houſe of Commons. Nothing could more ſtrongly ſhow how rapid muſt have been the fall of the feudal ſyſtem when once the change began; or how naturally the claſſes immediately below the noble, had become parties to a league offenſive and defenſive againſt him. The good old Fuller ſo hated all rebellions, except rebellions againſt popery, that he finds in theſe popular inſurrections a reaſon why the better ſort of people, to avoid being confounded with levellers and rabble, ſet up a variety of nice ſocial diſtinctions: but the truth lies exactly the other way. Leſs and leſs were the diſtinctions marked, as the Tudor time came on. Commerce and intelligence level by exalting. And Mr. Hallam has pointed attention to the very unpleaſing remark, which everyone who attends to the ſubject of prices will be diſpoſed to think not ill-founded, that the labouring claſſes engaged in agriculture were generally better provided with the means of ſubſiſtence in the reign of Henry the Sixth than at the period when he wrote.

Rapid fall of Feudal Syſtem:

as the people roſe.

Levelling of diſtinctions.

Comforts of labouring claſſes.

Evidence more direct and poſitive, indeed, is not wanting, of the comparative happineſs and freedom of the people generally under the latter years of the Plantagenet rule. Two very truſtworthy writers have ſketched, from perſonal obſervation, the reſpective condition

Reſpective condition of England

and of France.

of England and of France at this time; and both have directed attention to the fact that while, in France, there exiſted only the two diviſions of a powerful governing nobleſſe and a ſervile peaſant population, in England, on the other hand, a third and middle claſs had been able to make good its independence, becauſe the nobles wiſely had retained no privileges that prevented their mixing and marrying freely with other claſſes of the realm. So while in France the principle of the Civil Code, that the will of the monarch is law, prevailed, the people in England lived under protection of laws of their own enacting; while the French people were plundered at the ſole diſcretion of their Prince, who gave immunity only to the nobles, the Engliſh people paid taxes of their own impoſing; and while an Engliſhman upon any charge of crime had the benefit of trial by a jury of his peers, confeſſion was extorted from a Frenchman by the rack. When thus, twenty years before Henry the Seventh aſcended the throne, Sir John Forteſcue wrote in praiſe of the Engliſh laws, he placed all theſe advantages on the diſtinct ground of the ſpecial limitation of the power of the Sovereign, and of the non-excluſive character of the privileges of the Lords; and when his yet more travelled and experienced contemporary, Philip de Comines, turned to England from the contemplation of other States, as the country where the commonwealth was beſt governed, it was becauſe he had reaſon to believe that there the People were "leaſt oppreſſed."

Contraſts of the two nations.

Teſtimony of Sir John Forteſcue:

and of Philip de Comines.

What the main guarantees againſt oppreſſion were, Henry the Sixth's learned Chancellor enables us to ſtate in detail with tolerable exactneſs. In the firſt place, the "ſole will of the prince" could not enact a law, nor make alterations in exiſting laws, nor "burthen men againſt their wills with ſtrange impoſitions," nor "lay taxes or ſubſidies of what kind ſoever upon the ſubject," but with the concurrent conſent of the whole kingdom through their repreſentatives in Parliament. Theſe repreſentatives conſiſted of the lords ſpiritual (biſhops and mitred abbots), and lords temporal (in right of property, by hereditary claim, or, after Richard the Second, by ſummons), who voted in the upper houſe; and of individuals choſen by the freeholders of counties, and the burgeſſes of towns, who formed the lower houſe. In the next place, no man could be thrown into priſon, but under ſanction of a legal warrant which ſpecified his offence, and with the right of demanding ſpeedy trial. That trial, moreover, muſt be heard in a public court, in the diſtrict where the alleged offence was committed, and be determined concluſively by the verdict of twelve men; which in like manner decided queſtions of fact, as affecting the civil rights of the ſubject. Finally, the ſervants and officers of the Crown were liable to actions of damage, or to criminal proceſs, when the ſubject ſuffered unjuſtly at their hands in perſon or eſtate; nor could they plead in anſwer or juſtification, even the direct order of the Sovereign.

De Laudibus Legum Angliæ. 1465.

Reſtraints on prerogative.

Conſtitution of Parliament.

Rights of the ſubject.

Reſponſibility of the Crown.

How far theſe guarantees, and eſpecially the

Encroachments of Executive.

laſt, were reduced or evaded in practice, it would not be difficult to ſhow. Lord Macaulay has remarked on the facility with which a prince who reſerved to himſelf a pardoning power might overſtep the limits that ſeparate executive from legiſlative functions, by ſo remitting or ſo enforcing penalties as virtually to annul or create the ſtatute impoſing them. But, in theory at leaſt, no one ventured to diſpute the law; and when judges were honeſt, and juries intelligent and brave, an effective reſtraint was not ſeldom put upon the Crown.

Checks of Parliament.

The checks of Parliament had invariable recognition. In affairs of peace and war, in the marriages of princes, in control of the domeſtic government, Parliament had now for centuries claimed and obtained the privilege of adviſing, and not ſeldom of reſtraining, the Sovereign; and in one momentous queſtion, it had completely ſucceeded, as we have ſeen, in eſtabliſhing its paramount authority.

Control of the purſe.

The formal tenure and abſolute control of the public purſe had at length been finally yielded by the Crown. The ſtruggle laſted long; but more than a century before the firſt Tudor, no prince had even attempted to impoſe a tax without the conſent of Parliament. Happily for the prince, indeed, when ſuch conſent involved any great difficulty, he had the ſhow of begging and borrowing to reſort to; but the very name of the

Loans and Benevolences.

Loan or the Benevolence, the mere pretence that he would borrow and beg, kept alive his formal abandonment of the right to take, and at laſt ſtrengthened the people to deſtroy it for ever.

One conſideration ſhould be added, which in

every retroſpect of Engliſh conſtitutional hiſtory it is ſafe not to loſe ſight of. In reviewing the courſe of events through which the Commons' houſe of parliament obtained recognition, it is important not to attach too great a weight to their ſingle unaſſiſted authority. They profited leſs by power to which they could of themſelves lay claim, than by power or weakneſs in other ſections of the State. They were ſtronger after the rebellion of the ſerfs, which ſtruck the blow at villenage; they were ſtronger after the rebellion of the barons, which crowned the firſt Lancaſtrian king. Deriving help alternately from the powers above and below themſelves, it would have fared ill with the third branch of the legiſlature at any difficult criſis, if, unſupported by the people, they had been unaſſiſted by the lords. Nor might it be unjuſt to meaſure the relative value of ſuch ſupport and of ſuch aſſiſtance, by a compariſon of the leſs perfect maintenance of the national liberties, with the abſolute victory in taxation. In the firſt, the Commons were often deſerted by the Barons; in the laſt, they were never deſerted by the People.

Source of ſtrength to Commons.

Derived from other powers.

Aſſiſted from above and from below.

The People the ſupreme force.

There the ſupreme force lies. None exiſts that can be compared with it, when moved into action. The bodily fetters of the feudal ſyſtem, the mental bondage of the Roman Catholic prieſthood, were expedients to keep the People at reſt; but they could not laſt for ever. The doom of feudaliſm had gone forth, before the preaching of Wickliffe began. It only remained that the ariſtocratic factions ſhould throw themſelves into a ſelf-exhauſting ſtrug-

Expedients to keep it down.

gle, and, underneath the very ſtorm, provide for thoſe principles which they muſt elſe have reſiſted, and might have overthrown, an unconſcious but efficient ſhelter.

Wars of Roſes. Edward IV. Edward V. Richard III. 1461. 1483.

During the wars of the Roſes there was no leiſure to perſecute the Lollards; and commerce and the arts, unobſtructed by any intermeddling, were left to their natural development. Even when there was intermeddling, it ſhowed how Commerce had been riſing. The few legiſlative enactments of this ſingular period, paſſed when parliaments were at leiſure from raiſing or putting down the rival ſovereigns, ſufficiently prove its importance, and that of its cultivators. It was a parliament of Edward the Fourth, which, after confirming the ſtatutes of the fourth, fifth, and ſixth Henries (with the impolitic and dangerous diſtinction of "late, in fact, but not of right, kings of "England") prohibited the importation of foreign corn; it was in parliaments of Edward the Fourth and Richard the Third, that importations of foreign manufacture were forbidden, where the like articles could be produced at home; and it was by Richard the Third himſelf (who had the ſtrong inducement of all uſurpers to invite popularity from every ſource) that the practice of extorting money from merchants and citizens, on pretence of loans and benevolences, was aboliſhed, for which the uſurper has obtained the praiſe of Lord Bacon as "a prince in militar virtue approved, jealous "of the honour of the Engliſh nation, and "likewiſe a good law maker, for the eaſe and "ſolace of the common people." Thus the

Legiſlation during Civil wars.

Richard III.'s ſtatute againſt forced loans.

marked increaſe and growing reſpect of commerce, the ſudden reawakening of learning, advances made in the uſeful arts, and the earlieſt great endowments for the foundation of grammar-ſchools and places of popular education (after the 25th of Henry the Sixth, theſe foundations increaſed rapidly everywhere),—are the incidents which alſo ſignaliſe the time, when the chiefs of the great families, ejected finally from thoſe provinces of France which had fed their appetites for plunder and power, had been impelled to that conflict with each other, on their own ſoil, of which all the ſufferings and all the retribution were to fall upon themſelves alone. For though this was a ſtrife which laſted inceſſantly for thirty years, though twelve great pitched battles were fought in it, though eighty princes of the blood were ſlain, it raged only on the ſurface of the land, and the peaceful current beneath was free to run on as before. The deſolation of the bloody conflict never reached the heart of the towns, except in awakening ſuch inſtincts of danger as are the primary ſources of ſafety. Hence, on the one hand, for precaution and defence, guilds, commercial brotherhoods, and municipal ſafeguards ſilently aroſe, to grow more hardy and to flouriſh; while, on the other, ancient baronies, all-powerful families, names that had overawed the crown and overſhadowed the people, ſank in the conflict, never to riſe again. The ſtorm that ſwept the lofty, ſpared the low. It was the beginning of a vaſt ſocial change, now accompliſhed apparently without the aid of thoſe whom principally it was to

Advances in commerce, learning, and the arts.

Loſs of the French provinces.

War on ſurface of the land, Peace beneath.

Commercial guilds replacing great families.

Break-up of ſyſtem of Middle Ages.

affect; and not limited to England. Over the whole continent of Europe its manifeſtations might be ſeen. The ſyſtem of the Middle Ages was everywhere breaking up. The ſway of a feudal chiefdom, in all modifications of its form ſtill fitful and turbulent, was ending;

Kingcraft ſucceeds.

and there was riſing, to take its place, a predominance of kingſhip in perſonal attributes, a calm concentrated individual cunning, or, as it was called in after years, when it had loſt the ſubtle qualities that juſtified the name, a Kingcraft, which in two great monarchies was deſtined to overpower Freedom, and in the third to fall before it.

Its chief profeſſors.

The *tres magi* of kings, renowned for poſſeſſion of this ſupreme craft, have been celebrated by Lord Bacon. Louis the Eleventh had ariſen in France, and Ferdinand in Spain; yet the leſſon for which Machiavelli waited was incomplete, until Henry Tudor took poſſeſſion of the

French, Spaniſh, and Engliſh kings.

Engliſh throne. To the French and Spaniſh kings, with ſtanding armies at their back to ſilence their States General and their Cortes, the taſk of tyranny was not very difficult; but an inſular kingdom, protected from its neighbours by the ſea, had no pretence to indulge in ſuch a ſovereign luxury as the profeſſional Soldier, and the more difficult problem awaited our Engliſh king of predominating over parliament by ſheer

Reſults in England.

force of the prerogative. Favoured by circumſtances, it ſucceeded for a time; but it left to a later time that forced readjuſtment of the balance, which, by raiſing parliament far above the prerogative, preſerved for us finally the old Conſtitution of the realm.

§ II. The Tudors.

Though the laſt living repreſentative of the houſe of Lancaſter, Henry Tudor was not its legitimate heir; but from his marriage with the heireſs of the houſe of York, he derived a ſtrong title. His own diſſatisfaction with it nevertheleſs, and his uneaſy deſire to ſurround it with other guarantees, are among the indications of a ſtate of feeling in England, at the time, which further diſtinguiſhes the poſition of Henry the Seventh from that of the other of the *tres magi*. The act of ſettlement paſſed by the two Houſes upon his acceſſion, taking great pains to avoid either the aſſertion or contradiction of any pretenſions of lineal deſcent, had created ſtrictly a parliamentary title; but he afterwards obtained a reſcript from Pope Innocent the Third, ſetting forth all the other conditions on which he deſired it to be known that the crown of England alſo belonged to him. It was his, according to this document, by right of war, by notorious and indiſputable hereditary ſucceſſion, by the wiſh and election of all the prelates, nobles, and commons of the realm, and by the act of the three eſtates in Parliament aſſembled; but nevertheleſs, to put an end to the bloody wars cauſed by the rival claims of the houſe of York, and at the urgent requeſt of the three eſtates, he had conſented to marry the eldeſt daughter and true heir of Edward the Fourth: and now, therefore, the ſupreme Pontiff, being called to confirm the diſpenſation neceſſary to ſuch mar-

Henry VII. 1485.

Uneaſineſs as to ſucceſſion.

Parliamentary ſettlement.

Pope's reſcript on Henry's title:

riage, declared the meaning of the act of ſettlement paſſed by Parliament to be, that Henry's iſſue, whether by Elizabeth, or, in caſe of her death, by any ſubſequent marriage, were to inherit the throne. More remarkable than the reſcript itſelf, however, were the means taken to carry it directly to the claſſes it was meant to addreſs. It is the firſt ſimilar document of which we have any evidence that it was tranſlated into Engliſh and circulated in a popular form throughout England. A broadſide containing it, printed by Caxton, is one of the moſt intereſting of modern diſcoveries in matters of this kind.

tranſlated for the people.

and firſt printed in broadſide by Caxton.

Such indications may at leaſt ſatisfy us that Henry Tudor would not very gravely have reſented the deſcription which has been given of him by Lord Bolingbroke, as a creature of the people raiſed to the throne to cut up the roots of faction, to reſtore public tranquillity, and to eſtabliſh a legal government on the ruins of tyranny. The ſame writer, however, who doubts if he ſucceeded in this deſign, is undoubtedly wrong when he ſuppoſes that he failed in eſtabliſhing what by all the cuſtoms of hiſtorical courteſy muſt be called a legal government. It is not of courſe to be diſguiſed that in ſpite of many great principles aſſerted in it, and advantages achieved, his reign was not in its immediate courſe favourable to liberty. But the fact, as little to be queſtioned, that during its continuance, riſings in the Commonalty were far more frequent than remonſtrances in the Commons, and that upon queſtions where the people proved moſt

Lord Bolingbroke's view of the reign.

Loſſes to public liberty.

Defection of parliament.

ſtubborn, parliament generally was moſt compliant, ſufficiently ſhows that the defection did not ſo much lie with the people themſelves, as with their proper leaders in the State. It was nevertheleſs the peculiarity of Henry's deſpotiſm, as diſtinguiſhed from that of his more violent predeceſſors, that he bottomed it ſtrongly on the precedents and language of law, ſcreening the violation of liberty by artful employment of its forms; and though this may have made the deſpotiſm more odious while it laſted, it eſtabliſhed more certainly a limit to its duration. Relatively to what is called the State, circumſtances had thrown an overbalance of power into the hands of Henry; but to the maſs of the people, theſe very circumſtances rendered him unconſciouſly the inſtrument of great ſocial and political change. The poſition he occupies in hiſtory, and the rights he exerciſed, began and ended with his race.

Maintenance of legal forms.

Peculiarity of Tudor deſpotiſm.

Everything at once ſhowed ſigns of deep and permanent alteration. The immediate reſult of the battle of Boſworth, which left victory in the hands of Henry and the ſmaller baronial faction of the Lancaſters, was the commencement of a ſyſtem by which the more numerous nobles of the oppoſite faction were as much as poſſible depreſſed, by which ſevere ſtatutes againſt the further prevalence of armed retainers were freſhly enacted or revived, reſtrictions on the deviſing of land in effect removed, and all things directed towards an ultimate transfer of the old baronial ſtrength into entirely new channels. Poverty itſelf

Indications of ſocial change.

Power changing hands.

became the herald and forerunner of change. While large numbers of the baronial vaſſals took refuge in the towns, increaſing their power and privileges, large numbers unhappily ſtill remained upon the ſoil; and theſe, no longer neceſſary for the ſhows of pomp or the realities of war, ſuffered the worſt horrors of deſtitution, were driven to its laſt reſources, became incendiaries or thieves, overran the land as beggars, and, in the end, rendered neceſſary that great ſocial revolution, which took the name of a Poor Law in the reign of Elizabeth.

Neceſſity for a Poor Law.

Houſe of Lords: 29 in number.

Of the ſhattered ariſtocracy of England only twenty-nine repreſentatives preſented themſelves when Henry called his firſt Parliament, and ſeveral of theſe were recent creations. Doubtleſs it was well, for the ultimate advance of liberty, that the old feudal power had thus been ſo completely ſubdued, and the way by ſuch means prepared for the deciſive ſtruggle with the Stuarts; but for the immediate progreſs of liberty, it was certainly leſs beneficial. The Houſe of Commons, ſuddenly wanting in an old and habitual ſupport, was too ready an inſtrument for the mere uſe and convenience of the King; and to avail themſelves, in ſuch circumſtances, of every attainable advantage and turn it to the beſt account, in each caſe holding it for religion that craft might ſuperſede force, conſtituted the very art and genius of the *tres magi*. But though ſuch circumſtances worked well for the Mage upon the Engliſh throne, he did not, with all his craft, penetrate influences around him that were

Commons weakened by weakneſs in Lords.

Influences unſeen.

leſs obvious; nor ſuſpect that, by a purely ſelfiſh legiſlation, he might yet be advancing higher hopes and more comprehenſive deſigns. Surrounded, and no longer aſſailable, by the impoveriſhed and broken power of the paſt, he was unconſcious of a more formidable power which was ſilently and inſenſibly replacing it. He thought only of himſelf and his ſucceſſion. When, by the ſtatute enlarging and extending the old Conſilium Regis, and creating the Star Chamber, he raiſed the judicial authority of the King in Council to a height at which the fierceſt of his Norman predeceſſors would not have dared to aim, he did it to ſupport the Throne. That a rallying cry againſt the Star Chamber might one day bear the Throne into duſt was not to him within the ſphere of poſſibility. What was near him, in ſhort, he never miſtook or marred, and no man ſo clearly ſaw what would help or might obſtruct himſelf. As Lord Bacon ſays, he went ſubſtantially to his own buſineſs; and, to the extent of not ſuffering any little envies or any great paſſions to ſtand in its way, he was a practical and ſagacious ſtateſman. But he was not a great king, though he might be called an able, a crafty, and a prudent one.

Unconſcious law-making.

Star Chamber created.

A keen but narrow viſion.

So much, even in the midſt of eulogy that might itſelf have preſerved his name, would ſeem to be admitted by his incomparable biographer. "His wiſdom," ſays Lord Bacon, "by often evading from perils, was turned "rather into a dexterity to deliver himſelf from "dangers when they preſſed him, than into a

Lord Bacon's character of Henry VII.

" providence to prevent and remove them afar " off. And even in nature, the ſight of his " mind was like ſome ſights of eyes; rather " ſtrong at hand, than to carry afar off. For " his wit increaſed upon the occaſion; and ſo " much the more, if the occaſion were ſharp- " ened by danger." It will be a ſufficient comment on theſe pregnant ſentences merely to enumerate his leading acts of ſovereignty. Hereſy he thought dangerous, and he burnt more followers of Wycliffe than any ſince the firſt Lancaſtrian king. Winner of a ſucceſsful ſtake in battle, he knew the chances of war to be dangerous, and he favoured ſtrenuouſly the arts of peace. Served by men whom his death or diſcomfiture might ſuddenly attaint with rebellion, he thought it dangerous to leave thoſe friends without ſecurity againſt the poſſible vengeance of future faction; and he paſſed a law which made poſſeſſion of the throne the ſubject's obligation to allegiance, and juſtified reſiſtance to all who ſhould diſpute it. Inceſſant ſuits for alienated lands he thought dangerous, in a country torn with revolutionary quarrel; and his famous ſtatute of fines barred, after certain conditions, all claims of ancient heritage. But not to him, therefore, belongs any part of the glory of thoſe greater reſults which flowed indirectly from theſe meaſures of precaution. It was with no intended help from him that the Wycliffe hereſy ſtruck deeper root; that more eager welcome was given to the ſtudies which in England marked the revival of learning; that the civil duties of allegiance were placed on a juſt foundation;

Leading acts of his ſovereignty.

What was intended by his legiſlation.

What was effected beyond his intention.

and that the feudal reſtrictions of landed property were finally broken.

Interval between feudal and popular agencies.

On the other hand, with relation to the progreſs of conſtitutional freedom, or to the prevalence of juſt views in government and legiſlation, this reign of Henry the Seventh muſt be regarded as the opening of a middle or tranſitional ſtate. The feudal ſtrength had been broken, and the popular ſtrength had not made itſelf felt; power was changing hands, and conſcience was about to be ſet free, and both were to be meanwhile committed, almoſt unreſervedly, into the keeping of the Tudors. The intereſt of the ſucceeding reigns, up to the very middle of Elizabeth's great career, is leſs political than ſocial; and it is not in the ſtatute book or the parliament roll that we are to look for what ſmoothed and made ready the way.

First Expedition to America. 1496.

Early in the ſummer of the eleventh year after Henry the Seventh's acceſſion, a Venetian ſeaman and pilot who had ſettled in Briſtol during the impulſe given to Engliſh commerce in the wars of the Roſes, ſet ſail from that city, accompanied by his three ſons, with the firſt European expedition that ever reached the American continent.

Viſit of Eraſmus to England.

Later in the ſame ſummer, Lord Mountjoy brought over Eraſmus into England, to take part in the new ſtudy of which Oxford had become the unaccuſtomed ſcene. Of commerce, as of learning, it was the reawakening time.

Sebaſtian Cabot in the New World.

The Cabots diſcovered the Iſland of Newfoundland and St. John, and, with their five ſhips under the Engliſh flag, crept along the coaſt of Florida; while Eraſmus, in the Greek claſs at

Oxford, was making diſcoveries not leſs rich or ſtrange. "The world," exclaimed the ſtudent-ſcholar, "is recovering the uſe of its "ſenſes, like one awakened from the deepeſt "ſleep." The civiliſation ſo beginning, whatever ſtruggle it had ſtill to encounter, was to reſt finally on freer intercourſe and interchange of the labours of men's hands as well as thoughts; and ſingularly rare was the felicity that befel the great Greek poet, whoſe glory, identified with nigh two thouſand years of the hiſtory of the paſt, was to be alſo moſt prominently aſſociated with a freſh dawning and reawakening of the world. As with the old, ſo with the new civiliſation, which, through all its heats and viciſſitudes of quarrel, civil and religious, was to find him ſtill, as at firſt, driving along the Sigæan plain his temperate and indefatigable horſes, making the Gods themſelves his charioteers and miniſters, and keeping them, alike in the ardour of combat and the tranquillity of Olympus, obedient to his will.

Eraſmus in Oxford.

Revival of ſtudy of *Homer*.

That Greek Claſs at Oxford was formed, and in healthy vigorous action, when the ſecond ſovereign of the Tudor race, to whom even learned and intelligent inquirers have excluſively attributed the improvement in literary ſtudies and purſuits which was one of the redemptions of his reign, was barely ſix years old. It is wonderful with what alarm it was viewed at the very outſet. Thus early public attention directed itſelf to what were called the growing Oxford hereſies. Lovers of exiſting ſyſtems and inſtitutions lifted warning voice

Greek Profeſſorſhip at Oxford. 1497.

Diſlike of the new learning.

againſt them. Grave miſgivings found utterance in many quarters; and for the moſt part in the tone of that good old Engliſh gentleman whoſe lamentations found later record in one of the writings of Richard Pace. "Theſe fooliſh letters will end in ſome bad "buſineſs. I fairly wiſh all this learning at "the devil. All learned men are poor; even "the moſt learned Eraſmus, I hear, is poor, "and in one of his letters calls the vile hag "Poverty his wife. By'r Lady, I had rather "my ſon were hanged than that he ſhould become a man of letters. We ought to teach "our ſons better things." A good old Engliſh complaint: againſt Letters and Poverty.

Happily it was too late, for the miſchief was done, and "the moſt learned Eraſmus" had been its principal promoter. His brief ſojourn at Oxford in his youth prefigures almoſt the whole of his illuſtrious career. The revival of learning—the re-awakening of the great writers of Greece and Rome—was to bring with it the downfall of the ſchoolmen; to whom the worſt corruptions of the Church, and a large ſhare of the vice and barbariſm of monkery, were due. They had long baniſhed from the ſtudies of churchmen all pretence to a ſcriptural foundation. The honeſt purſuit of truth, they had replaced by argumentative ſubtlety; by methodical niceties of diſputation; by ſcholaſtic diſtinctions, to the reſt of the world unintelligible; by ſoul-killing lies, and "truths that work ſmall good." It was the ſecret of the fierce oppoſition to the new learning, that it boded the ruin of this ſyſtem ſooner or later; and on the day when Eraſmus Part taken by Eraſmus. Diſciples of Aquinas.

Syſtem of the Schoolmen doomed.

and Colet met at Oxford, its doom had been pronounced. With the jargon of the old learning ſtill dominant around them, with perhaps audible ſounds of hideous diſpute from monks and friars beneath their college windows, it was natural (though all to which it would eventually lead might not be ſeen) that their firſt interchange of thought ſhould have been on language and ſtyle. Language has been called the liberator of mankind, but has alſo proved itſelf hardly leſs their enſlaver; for almoſt as often as it has freed them from ignorance, it has handed them over to prejudice, or rebound them in the chains of cuſtom. If the ſucceſs of the ſchoolmen, and their ſtrength in the Romiſh church, had ariſen out of the confuſion and imperfect underſtanding of language which their barbarous diſputations engendered, it was fairly to be inferred that out of clearer and correcter notions of words would follow cloſer inſight into things.

Language an enſlaver as well as liberator.

Connection of words and things.

Even if not at firſt, however, the entire intention of Eraſmus, it is not the leſs his chief exploit and glory. With the mere weapon of ſtyle he was enabled to ſcourge the Dominicans from one end of Germany to the other. His expoſure of the frauds and credulities of his age would have paſſed with comparatively little heed, if made leſs gracefully; and the printing-preſs of his friend Frobenius would have worked but heavily, if his eaſy and familiar wit had not lent it wings. "Beware a ſecond Lucian!" cried the ſtartled monks; "the fox is abroad that layeth waſte

Eraſmus's great weapon.

"A Second Lucian."

"the vineyard of the Lord." And if that was the vineyard of the Lord, it was indeed laid waſte by Eraſmus. "He preſumes to "correct the Holy Spirit!" was the next note of alarm, as he preſented to the world the firſt pure Greek text of the New Teſtament. But his gift was beyond recall; and what was thus by Eraſmus made familiar to the learned, a ſtronger and more reſolute ſpirit was at hand to make familiar to the people. The great ſcholar, in a word, taught by Grocyn and adviſed by Colet, was now, during the reign of our firſt Tudor ſovereign, preparing minds at Oxford for the work which, even more than the unexampled compaſs of his learning and the vaſt number of his writings, immortaliſed his name. "Eraſmus knows very well how to "point out errors," ſaid Luther in after years, "but he knows not how to teach the truth. "He can do nothing but cavil and flout," he added; when in temper even leſs tolerant of that friend and fellow-workman, whom not long before he had called his glory and his hope, *decus noſtrum et ſpes noſtra*. It might be ſo; but the cavilling, and flouting, and rooting out of error, were in theſe early days the ſowing of the ſeeds of truth. He who is to gather in the harveſt, is as yet but a poor Franciſcan ſchoolboy at Madgeburg, ſinging ſongs in the ſtreet for bread; and, meanwhile, this devotion ſo ſingle hearted, this real hatred of hypocriſy and ignorance, this pure love of learning, this exalted ſpirit of labour, ſacrifice, and ſelf-denial, which made Eraſmus the harbinger of a change whoſe extent he could not

First pure text of the Teſtament.

The way prepared for Luther.

Complaint of Eraſmus.

Harbinger of the Reformation.

Titles of Eraſmus to reſpect.

His example.

meaſure, and by which he conſtituted others, men of knowledge and eminence, unconſcious agents in a democratic revolution which of themſelvès they would ſtrenuouſly have reſiſted, are ſurely entitled to large veneration and reſpect. It avails little againſt the claim, that the man who outran his time in thought, lagged behind it in action; and that, having borne the heat of a conteſt, he ſhrank from the reſponſibilities of a victory. What work was appointed him to do, he did with a ſingular ſucceſs. Superſtition and barbariſm had their firſt reſolute foe in him; the Scriptural foundations of truth and of morality had in him their great reſtorer; and it ſhould be matter of pride to Engliſhmen that it was here in Oxford, and by intercourſe with their countrymen, theſe glorious undertakings were canvaſſed, begun, and cheriſhed.

His achievements.

His connection with Oxford.

Henry's Statutes.

The ſtatute-book of Henry the Seventh, however, will be vainly ſearched for any attempt to ſtrengthen, govern, or direct ſuch agencies, whether material or moral. It was his policy to favour commerce for his own advantage; but moſt aſſuredly his proviſions againſt lending money on intereſt, againſt letting in foreign commodities, and for the ſuppoſed enrichment of the country by over-enrichment of himſelf, would have altogether failed to promote it. Among his legiſlative exploits none will be found to favour learning, nor did any of his acts of State ſuggeſt toleration for the new opinions; but nevertheleſs he could not burn a Lollard, without more widely diffuſing what men were ſo readily found calmly

Commerce and learning indirectly aſſiſted.

and even cheerfully to die for. To print an occaſional pope's bull, or one of the acts of his own parliament, was the ſole uſe to which he cared to put the types of Caxton or Wynkin de Worde; but there was ſitting at the time, in thoſe beggarly rooms of Oxford colleges, another parliament compoſed of ſuch men as Grocyn, Linacre, Colet, More, Wolſey, and Eraſmus, on whom that printing preſs was to confer an irreſiſtible power, and who were legiſlating for the reign of his ſucceſſor. Indeed, to that following reign, everything which marked out this from its predeceſſors had a ſingular and ſpecial reference; and not an opportunity in it, improved or not by Henry for himſelf, failed with tenfold increaſe to reach his ſon. Upon his two moſt prominent deſigns, of fencing the throne againſt conſpiracy, and making it rich and independent, he ſuffered no doubt to reſt. Of the few great nobles that remained, not one ever found favour from him; out of churchmen and lawyers excluſively, he choſe his friends and counſellors; and "ever," as Bacon ſays, "having an eye to "might and multitude," there was not a gathering of common men, whether with the citizen's cap or the peer's badge, which was not watched by him ſo cloſely and unceaſingly, and with ſo much caution, adroitneſs, and ſucceſs, that of all the thick brood of treaſons which marked the opening of the reign, not one exiſted at its cloſe to vex its ſucceſſor. That, even without his aid, the revenues of the Crown ſhould at the ſame time have largely increaſed, was one of the conſequences of the civil wars,

Uſes of the Printing Preſs.

Legiſlating for the future.

Diſfavour to nobles.

Favor to Churchmen and Lawyers.

Throne guarded from Treaſon:

which had diſperſed the annuitants and creditors who previouſly crowded the door of the Exchequer; but theſe revenues were handed down not merely unimpaired, but free from incumbrances, increaſed by forfeitures, and with the enormous addition of his own ill-gotten exactions.

and enriched by Forfeitures.

"Belike he thought to leave his ſon," ſuggeſts Lord Bacon apologetically, "ſuch a "kingdom and ſuch a maſs of treaſure, as he "might chooſe his greatneſs where he would:" but nothing can palliate the iniquity by which ſuch wealth was amaſſed. Every means of extortion tried by the Plantagenet kings having been exhauſted, he ſought out other and more ſcandalous methods; and when, in his Courts at Weſtminſter, he had found two learned lawyers ſufficiently able, ſupple, eloquent, and unſcrupulous, he was in poſſeſſion of what he ſought. "As kings," ſays James the Firſt's experienced Chancellor, "do more eaſily find "inſtruments for their will and humour than "for their ſervice and honour, he had gotten "for his purpoſe, or beyond his purpoſe, two "inſtruments, Empſon and Dudley." Theſe men revived dormant claims of the Crown, founded on obſolete pretenſions of feudal tenure, and made them a means of frightful oppreſſion. They diſcovered forgotten caſes of forfeiture; invented falſe charges againſt innocent men, from which releaſe was only given on payment of what were termed mitigations; dragged forward arrears of old amercements, alleged to be unſatisfied; and, with the help of a ſort of informers and plaintiffs who were called "pro-

New methods of Extortion.

Empſon and Dudley.

Uſes to which they were put.

"moters," made the ordinary course of law an enormous engine of plunder. Unremembered penal statutes of profligate times were revived, to the end that, by intolerable exactions for offences unknown, unconscious offenders might be dragged into the Exchequer; where Empson and Dudley sat as barons, where packed dependents of the Crown discharged the functions of juries, where juries with any sense of shame were made docile by imprisonment and fine, and from whose clutches the unhappy victims could only escape by exorbitant composition or hopeless imprisonment. But, horrible as all this was, not a little was it owing to such atrocities that Henry the Eighth succeeded to a better filled exchequer than any of his predecessors since the Conquest, and to so many greater facilities for the work it was appointed him to do.

Plunder under forms of law.

Henry VIII. 1509.

They did not indeed pass without some retribution. Though new honours had been largely heaped upon their perpetrators in the last year of Henry the Seventh's reign, in the first year of Henry the Eighth's both Empson and Dudley were led to the scaffold. The popular wrath demanded them as victims; and, it being more convenient that death should wipe out their debt, than that by any worse accident the royal exchequer should be called to make restitution, the new King gave them up to the executioner. Strong-willed as the Tudors were, they were generally able to put a present rein upon their passions, when by such means they could make more sure of their ultimate safe indulgence. They reigned in

Execution of Empson and Dudley.

Tudor characteristics.

Cauſes of ſucceſs: England, without a ſucceſsful riſing againſt them, for upwards of a hundred years: but not more by a ſtudied avoidance of what might ſo provoke the country, than by the moſt reſolute repreſſion of every effort, on the part of what remained of the peerage and great families, to make head againſt the Throne.

yielding to people, repreſſing nobles. They gave free indulgence to their tyranny only within the circle of the court, while they unceaſingly watched and conciliated the temper of the people. The work they had to do, and which by more ſcrupulous means was not poſſible to be done, was one of paramount neceſſity; the dynaſty uninterruptedly endured for only ſo long as was requiſite to its thorough completion; and to each individual ſovereign the particular taſk might ſeem to have been ſpecially aſſigned.

Taſk of each ſovereign.

Henry's. 1509. It was Henry's to ſpurn, renounce, and utterly caſt off, the Pope's authority, without too ſuddenly revolting the people's uſages and habits; to arrive at bleſſed reſults, by ways that a better man might have held to be accurſed; during the momentous change in progreſs, to keep in neceſſary check both the parties it affected; to perſecute with an equal hand the Romaniſt and the Lutheran; to ſend the Proteſtant to the ſtake for reſiſting Popery, and the Roman Catholic to the ſcaffold for not admitting *himſelf* to be Pope; while he meantime plundered the monaſteries, rooted out and hunted down the prieſts, alienated the abbey lands, and glutted his creatures and his own coffers with that enormous ſpoil.

Edward's. 1547. It was Edward's to become the ready and undoubting inſtrument of Cranmer's deſign; to accept the

Reformation as it was ſo preſented to him; in his brief reign, really to eſtabliſh Proteſtantiſm on our Engliſh ſoil; but, with all the inexperience and more than the obſtinacy of youth, ſo harſhly, unſparingly, and precipitately to force upon the people Cranmer's compromiſe of doctrine and obſervance, as to render poſſible, even perhaps unavoidable, his elder ſiſter's reign. It was Mary's to undo the effect of ſuch precipitate eagerneſs of the Reformers, by lighting the fires of Smithfield; and opportunely to arreſt the waverers from Proteſtantiſm, by exhibiting in their exceſs the very worſt vices, the cruel bigotry, the hateful intolerance, the ſpiritual ſlavery, of Rome. It was Elizabeth's finally and for ever to uproot that ſlavery from amongſt us, to champion all over the world a new and nobler faith, and immovably to eſtabliſh in England the Proteſtant religion.

Mary's. 1553.

Elizabeth's. 1558.

But though the taſks thus appointed to this imperious and ſelf-willed family, had the effect of imparting an exceptional character to their ſtyle and courſe of government, it is not to be inferred that even they dared openly to violate thoſe old fundamental Engliſh laws of which it has ever been the nature, in all caſes, adopting the fine expreſſion of Forteſcue, "to declare "in favour of liberty." Henry ſent to the ſcaffold whomever he pleaſed, from within the precincts of the Court; but when, without the intervention of parliament, he would have taken the money of the people, he had to retreat before the reſiſtance offered, and publicly to diſavow the intention of breaking the laws

Tudor deſpotiſm exceptional.

Its checks and limits.

Eliza-beth's con-ceſſions.

of the realm. Elizabeth's rule had been not leſs imperious than her father's, yet one of her lateſt acts was freely to ſurrender to the Houſe of Commons her demand for certain monopolies, which had raiſed a fierce reſiſtance in that houſe. Mary was able to burn, at her pleaſure, the alienators of the abbey lands; but over the lands themſelves, inveſted by forms of law in their new proprietors, ſhe diſcovered that ſhe was powerleſs. Unworthy as the poſition was, indeed, in which the Houſe of Commons conſented to place itſelf in theſe reigns, what ſurvived of independence and courage ſtill was able to find expreſſion there; and the meaneſt-ſpirited of its aſſemblages had yet gleams of popular daring, which ſhow how little might have ſerved, even then, to put ſubſtance into the forms of liberty, and how ready was even a Tudor King, "as he would "ſometimes ſtrain up his laws to his preroga-"tive," to let down not the leſs, as Lord Bacon ſaid of the founder of the race, "his "prerogative to his parliament." In truth it can never be too often repeated that tyranny can only reign in England through the pretences of freedom. Acts of Parliament are, with us, the weapons of deſpotic rule; and at times they will recoil with danger to the uſer, or break in the deſpot's hand.

Mary's weakneſs.

Poſition of Houſe of Com-mons.

Acts of parlia-ment edged tools.

Of this the unhappy Mary had painful experience when ſhe ſaw the very Houſe ſhe had packed with her creatures turn againſt her in the matter ſhe had moſt at heart. They went with her in re-eſtabliſhing over the kingdom the authority of Rome; but when ſhe

Parlia-mentary reſiſtance to Mary.

would have had them concede to her huſband an authority within the realm that might involve danger to the native privileges and laws, thoſe very tools and creatures deſerted her. Within two years ſhe had to ſummon and diſſolve three Parliaments, and informations were pending againſt recuſant members at the time of her death. Nor will the ſame kind of incidents fail to be noted in her ſtronger father's reign. He found it not poſſible to reduce the lower Houſe to the utterly dependent condition in which a conſtant reaction of hope and dread (the choice between confiſcation and the ſcaffold, or church property and royal favour), ſoon placed what remained of the upper Houſe. The difficulty was not eſſentially very great, indeed, in dealing with the lower, but certain forms had to be obſerved; and it is curious that in Henry the Eighth's reign, not only (in the caſe of Ferrers) was one of the moſt valuable confirmations of privilege obtained by the Commons, but upwards of thirty members were added to their houſe, upon the principle expreſſed in the preamble to the act for ſo extending repreſentation to the principality of Wales, that it is diſadvantageous to any place to be unrepreſented, and that thoſe who are bound by the laws are entitled to have a voice in their enactment. Thus, whatever uſes the Houſe of Commons might lend itſelf to, the idea of that higher function of repreſentation was at leaſt never loſt; and even the Tudors had to remember, in common with all princes to whom as yet the luxury of a ſtanding army was unknown, that

Three diſſolutions in two years.

Privileges won from Henry VIII.

Thirty members added to Commons.

Safeguard of an armed people.

the people ſo repreſented, being freemen, were trained univerſally to bear arms, and were under penalties to preſent themſelves, at ſtated periods, for martial exerciſe in their counties and ſhires. Only becauſe he wielded an authority, therefore, not ſtrictly his, and for the uſe of which he was not directly reſponſible, could the ſovereign in ſuch caſe ever aſſume to be all-powerful. There was a power beyond, which the people had now for two centuries uniformly recogniſed, and which alone could be the inſtrument, whoever might be the immediate agent, of changes affecting themſelves. They ſaw the lower Houſe continue to grant ſubſidies, not to be raiſed by any other means; and they ſaw it continued to be uſed in the propoſal of ſtatutes, which without its conſent could never become binding. It gave their ſole validity to the bills of attainder which ſtruck down the guilty, or ſhed the blood of the innocent; and only by its ſanction had one-fifth of the landed property of the nation been transferred ſuddenly to new proprietors. As the times of the Tudors wore on, too, and left the character of their work, and its reſults, more viſible, the members of that Houſe began to claim for it worthier aſſociations. "I have heard of old Parliament men," ſaid Peter Wentworth from his place there, in the latter half of Elizabeth's reign, "that the baniſhment of the Pope and "Popery, and the reſtoring of true Religion, "had their beginning from this houſe, and "not from the biſhops."

Obligation for martial exerciſe.

Power beyond the Sovereign.

All legiſlation in name of Commons.

Subſtance as well as form claimed by them.

Few were the opportunities directly obtained

by the people, however, either through themſelves or their repreſentatives, in this great reign. The authority of the two Houſes had been reduced, at her acceſſion, to a point ſo low that not a barrier any longer interpoſed itſelf between the ſovereign authority and the popular allegiance. But in placing herſelf freely amongſt her ſubjects, in making their intereſts hers, in condeſcending to their amuſements and their prejudices, as if they were her children, they were yet made to feel that they muſt ſubmit themſelves to the diſcipline of children. Deſiring rather the fame of a ſovereign demagogue than a ſovereign prince, the aſpiring tendencies found no countenance from her, and the mayor and the alderman had better chances of her favour than the man of literature or genius. But the people had their Spenſers and their Shakeſpeares, in her deſpite; they had their tranſlation of the Bible, with its leſſons of charity and brotherhood; they had as free acceſs to the literature of the ancient writers as to that of the living and ſurpaſſing genius which ſurrounded them; adventure and chivalry moved, in well-known forms and living realities, through the land; and the commoneſt people might lift caps, as they paſſed along the ſtreets, to Drake, to Sidney, or to Raleigh. The work was thus far accompliſhed which Eraſmus and his friends at Oxford had begun; and it was only neceſſary that thoſe riſing influences that had marked the acceſſion of the Tudor family ſhould appear in full and active operation on the minds of the Engliſh people, to ſentence to

Eliza-beth's reign.

Character of the Queen:

A ſo-vereign dema-gogue.

Advan-tages of the People.

Reſults of the Re-formation.

Oxford leſſons complete.

Change impending.

a gradual but certain downfall the half-political half-patriarchal ſyſtem of this famous woman, by far the greateſt of her race. The ſons and daughters of the Arcadia were the parents of the men of Charles and Cromwell.

Riſe of religious diſcontent.

The Queen had been twelve years upon the throne when diſcontent took an ominous and threatening form. An eſſential feature in the Tudor ſyſtem had been that the framework of the ancient hierarchy of Rome ſhould be left untouched. At a time when politics were ſuddenly become ſubordinated to religion, the idea of unlimited ſpiritual dominion was too valuable to be ſurrendered, carrying with it, as it did by a very ſimple analogy, unlimited temporal dominion alſo. This dominion had moreover been placed, by the aids of ſupremacy and uniformity, at the abſolute uſe and diſpoſal of the ſovereign; and in thus formally aſſuming the caſt-off robes of the Pope, Elizabeth rivalled her father in the even partiality of her perſecutions. Indeed, her antagoniſm to the Romaniſt was in ſome reſpects leſs keen and perſonal than to the Proteſtant non-conformiſt. She loved to the lateſt moment of her life the gorgeous ceremonials of religion, as ſhe cheriſhed all that placed in ſubjection to authority the ſenſes and the faith of men; and while, with this feeling, ſhe adhered to forms and ceremonies which her maſculine ſenſe would elſe have put aſide in ſcorn, and clothed her own biſhops with the ſupreme authority ſhe had ſtruck down from thoſe of Rome, ſhe unhappily overlooked altogether the poſſibility of danger from ſuch reſtraints to the impulſes

The newly eſtabliſhed Church.

Impulſes of Reformation reſtrained.

A danger overlooked.

of the Reformation. But this danger was now at hand.

In the year 1570, the inſtitution of epiſcopacy in the Proteſtant church was openly aſſailed by the Lady Margaret's profeſſor of divinity at Cambridge. There had been an active diſcuſſion going on for ſome years, on matters of minor conſideration. Tippets had been violently conteſted, and ſad and ſerious had been diſputes upon the ſurplice. But now, to the amazement of the imperious Parker, who had declared that he would maintain to the death theſe eſſentials of the new religion, all further mention of ſuch matters ceaſed, and the archbiſhop was ſummoned to maintain to the death neither tippet nor ſurplice, but the whole eccleſiaſtical hierarchy of England. Cartwright's lectures were as a match to a train, and a formidable party of puritans ſtarted up in England. It is not, however, neceſſary to dwell on the ſtruggle that enſued. It was ſo far conducted with ſpirit by individual members of the Houſe of Commons, as to achieve ſeveral ſolid acceſſions to the privileges of that houſe, and to leave on laſting record a valuable proteſt againſt the Tudor ſyſtem as one which centuries of Engliſh liberty rejected and diſclaimed. Indeed, if Elizabeth had been leſs wiſe and prudent, if her perſonal expenditure had been waſteful or her exchequer ill ſupplied, it might have gone hardly with her. In vain ſhe packed the houſe with placemen, and flooded the country party with upwards of ſixty new members. Still the Stricklands and the Wentworths remained, and ſtill in every ſeſſion there was

Cartwright's Lectures at Cambridge. 1570.

Puritan party formed.

Its leaders in Houſe of Commons.

Vain attempts to ſubdue them.

at leaſt placed on record the duty and right of parliament to inquire into every public matter and to remedy every proved abuſe. The cry of Engliſh liberty was never raiſed more piercingly, though it remained for later days to ſend back to it a louder and more terrible echo.

Laſt act of the greateſt Tudor.

Elizabeth herſelf, in the cloſing years of her reign, ſhowed that ſhe had not remained unconſcious or unmoved by the vehemence and ſharpneſs of that cry. Greateſt of the Tudors as ſhe unqueſtionably was, it was when her authority might ſeem to have been moſt weakened, that ſhe bequeathed to the race which ſucceeded hers, by her laſt act of ſovereignty, an example which might have ſaved them the throne, if they could have profited by it. Unhappily they could only imitate her in the qualities which provoked, and not in thoſe which ſubdued or turned aſide, reſiſtance.

Elizabeth's antipathy to Puritans.

It is a ſtriking fact in the career of this great Queen, that ſhe could put aſide her hatred and contempt even of Puritaniſm itſelf, when ſhe ſaw it had become ſo transfuſed with the deſires and wants of the people as to repreſent no longer a religious diſcontent alone. While ſhe believed it to be confined within that limit, the priſon and the rack were the only replies ſhe made to it: becauſe ſhe knew that from all ſerious attacks to maintain it, the cauſe ſhe championed then protected her moſt effectually; and that from the very dungeons into which ſhe might throw the Puritan leaders, they would yet be ready to offer up, as they did, their prayers for the ſafety of herſelf and

Puritan ſympathy with Elizabeth.

the ſtability of her government. For to all the world it had become notorious, that the deſtinies and fate of the Reformation had for the time fallen excluſively into her hands; and that not in England only did ſhe animate every effort connected with the new faith, but that, in her, centred not leſs the hopes of all who were carrying on the ſtruggle, againſt overwhelming numbers, in other lands. Of the movement, however, of which ſhe was thus the heroine, ſhe unhappily never recogniſed the entire meaning and tendency; and inſtead of diſarming Puritaniſm by conceſſion, ſhe had ſtrengthened and cheriſhed it by perſecution.

Champion and leader of the Reformation.

But, towards the cloſe of her reign, when, after that ſubduement of the Roman Catholic power on the continent to which ſhe had devoted ſo many glorious years, ſhe found leiſure to inveſtigate patiently the domeſtic concerns of her kingdom, the old Puritan remonſtrance preſented itſelf to her under a new form, and in ominous conjunction with very wide-ſpread political diſſatisfaction. Everywhere voices had become loud againſt royal patents of monopolies; and not only was her firſt miniſter's coach mobbed in the ſtreets when he went to open her parliament of 1601, but, when Mr. Serjeant Heyle roſe in that parliament to expreſs his amazement that a ſubſidy ſhould be refuſed to the Queen, ſeeing that ſhe had no leſs a right to the lands and goods of the ſubject than to any revenue of her crown, the Houſe univerſally "hemmed and "laughed and talked" down the learned

Puritaniſm in a new form:

Joined with political diſcontent.

A Queen's Serjeant coughed down.

Serjeant. Nor was the aſpect of affairs become leſs grave or ſtrange, when, a little later in that ſame aſſembly, Cecil thought it right to warn the lower Houſe of dangers which had particularly declared themſelves to his ripe and experienced judgment. "I muſt needs give "you this for a future caution, that whatſo-"ever is ſubject to public expectation cannot "be good, while the parliament matters are "ordinary talk in the ſtreet. I have heard "myſelf, being in my coach, theſe words "ſpoken aloud: *God proſper thoſe that further* "*the overthrow of theſe monopolies!*" It had not then ſeemed poſſible to the Secretary's experience, that the Queen herſelf might think it ſafer to attract this prayer to her own proſperity than to let any one elſe reap the benefit of it; but a very few days undeceived him. Elizabeth in perſon went to the Houſe, withdrew all claim to the monopolies which had excited reſiſtance, redreſſed other grievances complained of, and quitted Weſtminſter amid the ſhouts and prayers of the people that God might proſper their Queen. Within two more years ſhe died, bequeathing the Crown to her couſin of Scotland.

Cecil's warning to Commons.

Elizabeth's laſt appearance in Parliament.

James I. 1603.

To this point, then, the Tudor ſyſtem had been brought, when Scotland and England became united under one ſovereignty, and the noble inheritance fell to a race, who, comprehending not one of the conditions by which alone it was poſſible to be retained, profligately miſuſed until they completely loſt it. The calamity was in no reſpect foreſeen by the ſtateſman, Cecil, to whoſe exertion it was mainly

Two kingdoms united under the Stuarts.

due that James was ſeated on the throne; yet in regard to it he cannot be held blameleſs. Right he undoubtedly was, in ſo far as the courſe he took ſatisfied a national deſire, and brought under one crown two kingdoms that could not ſeparately exiſt with advantage to either; but it remains a reproach to his name that he let ſlip the occaſion of obtaining for the people ſome ſettled guarantees which could not then have been refuſed, and which might have ſaved half a century of bloodſhed. None ſuch were propoſed to James. He was allowed to ſeize a prerogative, which for upwards of fifty years had been ſtrained to a higher pitch than at any previous period of the Engliſh hiſtory; and his clumſy graſp cloſed on it without a ſign of remonſtrance from the leading ſtateſmen of England. "Do I mak the "judges? Do I mak the biſhops?" he exclaimed, as the powers of his new dominion dawned on his delighted ſenſe: "then, God's "wauns! I mak what likes me, law and goſ- "pel!" It was even ſo. At a time when it was manifeſt that the prerogative had outgrown even the power of the greateſt of the Tudors to retain it, when the conflict long provoked was about to begin, when the balance of popular right had to be redreſſed or the old conſtitution to be utterly ſurrendered, this licenſe to make goſpel and law was given, with other far more queſtionable powers, to a man whoſe perſonal appearance and qualities were as ſuggeſtive of contempt, as his public acts were provocative of rebellion. It is neceſſary to dwell upon this part of the ſubject; for it is

Opportunity loſt by Cecil.

No conditions made at Acceſſion.

No check on overſtrained prerogative.

Provocation to Rebellion.

only juſt to his leſs fortunate ſon and ſucceſſor to ſay, that in it lies the ſource of not a little for which the penalty was paid by him. What is called the Great Rebellion can have no comment ſo pregnant as that which is ſuggeſted by the character and previous career of the firſt of the Stuart kings. Upon this, therefore, and upon the court with which he ſurrounded himſelf in England, though they do not otherwiſe fall ſtrictly within my purpoſe, I ſhall offer a few remarks before cloſing this Eſſay.

Penalties to be paid.

§. III. First Stuart King.

Character of James.

That James the Firſt had a decidedly more than fair ſhare of learning is not to be denied; but it was of no uſe to anyone, and leaſt of all to himſelf. George Buchanan was reproached for having made him a pedant, and replied that it was the beſt he could make of him. Learning the great teacher could communicate, but neither objects nor methods for its uſe, nor even a knowledge of its value. Probably no ſuch fooliſh man, in ways of ſpeech and life, as James the Firſt, was ever in fairneſs entitled, before or ſince, to be called a really learned one. Nevertheleſs the greater marvel is, that not only, being thus fooliſh in language and conduct, was he undoubtedly a ſcholar, but that he had alſo an amount of native ſhrewdneſs which ſcholarſhip had neither taught him, nor tamed in him. He poſſeſſed, to a quite curious extent, a quick natural cunning, a native mother wit, and the art of circumventing an adverſary; and it was to this Henri Quatre alluded when he called

His learning.

His cunning and ſhrewdneſs.

him the wiſeſt fool in Chriſtendom. That what he had acquired ever helped him to a uſeful thought, or a ſuggeſtion of practical worth, it is impoſſible to diſcover. Myſtically to define the prerogative as a thing ſet far above the law; to exhibit king-craft as his own particular gift, directly vouchſafed from heaven; to denounce Preſbytery as the offſpring of the devil; to blow with furious vehemence what he called counterblaſts to tobacco; to deal damnation to the unbelievers in witchcraft, and to pour out the wrath of the Apocalypſe upon Popery; were its higheſt exploits. He had been buſy torturing and burning old women for the imaginary crime of witchcraft, while Elizabeth was preparing a ſcaffold for his mother; and it was to make the reſt of the world as beſotted with ſuperſtition as himſelf, that he wrote his *Demonologie*. Before he was twenty, with an aſtoniſhing diſplay of erudite authorities, he had concluſively ſhown St. Peter's deſcendant to be Anti-Chriſt; but his real objection to the Pope was his holineſs's inconvenient rivalry to the royal ſupremacy, and James, who at other times ſeems to have contemplated even the ſetting up of a Scotch Cardinal, was not more eager to ſet fire to a witch than to burn ſeditious prieſts who might preſume againſt his own Anti-Chriſt to rebel. To him it was, in all conditions, the climax of ſin to reſiſt any ſettled authority. He would have been right if ſettled authority had found in himſelf, as he appears to have verily believed it had, its higheſt exponent and nobleſt repreſentative that the earth could

Wiſeſt fool in Chriſtendom.

What he did with learning.

Uſes of his knowledge.

Too confident an aſſumption.

afford. But it was far from being ſo; and his conduct, with all its groſs inconſiſtencies, ſinks to the mere ſelfiſh level. To ſeditious prieſts he owed his Scotch throne, there could be no doubt; but as little had he the courage to take open part againſt them, as the honeſty to refrain from intrigues with his mother's turbulent faction. The only allegiance he was always true to, was that which he gloried in avowing he implicitly owed to himſelf.

Early career in Scotland.

His excuſes.

It may nevertheleſs not be denied that, at leaſt in that outſet of his life, he had ſome excuſe for ſuch ſelf-ſaving inſtincts, in the ſtraits through which he then paſſed. Alternately ſwayed between the two contending forces; his perſon now ſeized by the Nobles, and the Preſbytery now governing by his name; he fell into the habit of making unſcrupulous uſe of either, as occaſion happened to ſerve. And hence the ſkill in outwitting people, the ſly ways of temporiſing, the ſtudied deceit and cunning, which he formed gradually into a ſyſtem under the miſuſed name of kingcraft, and in which his whole idea of government conſiſted. Of courſe neither party could truſt him. The condition of king *de facto* he owed to the preſbyterians who placed him on the throne, but it was only from the papiſts he could obtain conceſſion of the title of king *de jure* which he coveted hardly leſs; and if he deteſted anything more than the Jeſuit who preached the pope's right to releaſe ſubjects from their allegiance, it was the Preſbyter who claimed a power to control the actions of his prince. And ſo his character was formed:

A ſchool for kingcraft.

His poſition between Puritan and Papiſt.

without an opinion to reſt upon, or a principle to guide it; devoid utterly of ſtraightforwardneſs or ſelf-reliance; incapable, in any manly ſenſe, of either friendſhip or enmity; and, above and in ſpite of all, with a ſort of intellectual activity, real in itſelf and often of a conſummate ſhrewdneſs, which threw only into greater relief and more miſchievous prominence thoſe grave defects of character. He never formed an attachment which was perfectly creditable to him, or provoked a conteſt from which he did not run away. In this reſpect he was always the ſame, and the early Scotch days of Arran but prefigured the later Engliſh ones of Somerſet and Buckingham.

Formation of his character.

His attachments.

Before he inherited the Engliſh throne, James had three ſons and two daughters born to him. Of theſe, two ſons and a daughter died before they reached maturity; but to the ſurviving daughter and ſon, a memorable part in Engliſh hiſtory was aſſigned. At Falkland, in the autumn of 1596, was born Elizabeth, afterwards Queen of Bohemia: whoſe name became identified on the continent with the Proteſtant cauſe, and through the youngeſt of whoſe ten children, the Electreſs Sophia of Hanover, the Houſe of Brunſwick finally diſplaced the Houſe of Stuart. At Dumferline, in November 1600, was born Charles, his ſecond ſon, who ſucceeded him as Charles the Firſt: and ſhortly before whoſe birth, Sir Henry Neville had written to Sir Ralph Winwood that out of Scotland rumours were abounding of no good agreement between the King of Scots and his wife; and that "the diſcovery

Family of James.

Princeſs Elizabeth born, 1596.

Prince Charles born, 1600.

" of ſome affection between her and the Earl " of Gowrie's brother, who was killed with " him, was believed to be the trueſt cauſe and " motive of all that tragedy." The tragedy referred to was the murder, in their own caſtle, of the grandſon of the Ruthven who firſt ſtruck at David Rizzio; and the condition of James's mother, when ſhe witneſſed the aſſaſſination of her favourite, was the ſame as that of his wife, when ſhe heard the fate of Alexander Gowrie. Not even in the blood-ſtained Scottiſh annals is an incident to be found more dark or myſterious than this; and, on the day when the bodies of the two brothers were ſentenced to ignominious expoſure, the ſecond ſon of James and Anne was born. His baptiſm was ſudden, for he was hardly expected to outlive the day; and it was through an infancy and boyhood of almoſt hopeleſs feebleneſs, he ſtruggled on to his ill-fated manhood. There is a complexional weakneſs imparted at birth, which nothing afterwards will cure; and this, diſqualifying alike for reſolved reſiſtance or for manly ſubmiſſion, was unhappily a part of Charles the Firſt's moſt ſad inheritance. He was nearly ſix years old before he could ſtand or ſpeak, his limbs being weak and diſtorted, and his mouth mal-formed; nor did he ever walk quite without difficulty, or ſpeak without a ſtammer. Who ſhall ſay how far theſe phyſical defects carried alſo with them the moral weakneſſes, the vacillation of purpoſe and obſtinacy of irreſolution, the inſincerity and bad faith, which ſo largely helped to bring him to the ſcaffold?

The Gowrie conſpiracy.

Prince Charles's boyhood.

Phyſical defects.

James's laſt year as the King of Scots was probably the quieteſt he had paſſed in that troubled ſovereignty. As his ſucceſſion to the Engliſh throne drew nearer, his authority in his hereditary kingdom grew more ſtrong. Many of his enemies had periſhed, others had become impoveriſhed; and all began to think it more profitable game to join their king in a foray on the incalculable wealth of England, than to continue a ſtruggle with him for the doubtful prizes of his barren and intractable Scotland. But his diſputes with his ſubjects ſurvived his dangers from them. What tamed the laity, had made more furious the clergy; who already, in no diſtant viſion, ſaw their ſovereign ſeated on the Engliſh throne ſurrounded by the pomps of prelacy, and armed newly with engines of oppreſſion againſt themſelves. Never was Kirk ſo rebellious, in flaming up, ſynod after ſynod, againſt the ſovereign's unprincelineſs and ungodlineſs; and never was King ſo abuſive, in proteſting before the great God that highland caterans and border thieves were not ſuch liars and perjurers as theſe "puritan peſts in "the church." He was in the thickeſt fury of the contention, when the ſycophants who had bribed Elizabeth's waiting-woman for earlieſt tidings of her laſt breath, hurried headlong into Scotland to ſalute him as Engliſh King. Quieting, then, ſome ill-temper of his wife's by ſhrewdly bidding her think of nothing but thanking God for the peaceable poſſeſſion they had got, James ſet out upon his journey ſouthward on the 5th of April, 1603.

Proſpect of Engliſh throne.

Joy of laity in Scotland.

Indignation of clergy.

Eliza-beth's death announced.

Journey ſouthward

begun: April, 1603.

It was indeed ſomething to be thankful for, that peaceable poſſeſſion of the land to which his very progreſs was a ſort of popular triumph. Doubly wonderful had Kings grown to us, ſays old Stowe, ſo long had we, fifty years or more, been under Queens. Racing againſt each other as for life or death, ruſhed ſtateſmen and courtiers, lawyers, doctors, and clergy, civic corporations, mayoralties, officialities of every deſcription and kind, all claſſes and conditions of public men,—eager to be ſhone upon by the new-riſen ſun. And ſurely never from ſtranger luminary darted beams of hope or promiſe upon expectant courtiers.

Novelty of a King after half a century of a Queen.

Perſonal characteriſtics of the new monarch.

The ſon of a moſt unhappy mother, by a miſerable marriage, and even before birth ſtruck by the terror of the murder of Rizzio, James was born a coward, and through life could never bear even the ſight of a drawn ſword. He was of middle ſtature, and had a tendency to corpulence, which the faſhion of his dreſs greatly exaggerated. He had a red complexion and ſandy hair, and a ſkin ſofter, it was ſaid, than taffeta ſarſenet, becauſe he never thoroughly waſhed himſelf, but was always rubbed ſlightly with the wet end of a napkin. His ſanguine face had only the ſcantieſt growth of beard; and his large eye rolled about unceaſingly with ſuch ſuſpicious vigilance, that it put fairly out of countenance all but the moſt experienced courtiers. He had a big head, but a mouth too ſmall for his tongue, ſo that he not only ſlobbered his words when he talked, but drank as if he were eating his drink, which leaked out on either ſide again

Face and figure.

Slobbering ſpeech.

into the cup. His clothes formed a woollen rampart around him, his breeches being in large plaits and full ſtuffed, and his doublets quilted for ſtiletto proof; and ſo weak and ricketty were his legs that his ſteps became circles, and he was well-nigh helpleſs when he would walk alone. "He likes," ſays the aſtoniſhed chaplain of the Venetian embaſſy, "in walking, to be ſupported under the arms "by his chief favourites." It was in truth a neceſſity, as the favourites were. His body had as little in itſelf to ſuſtain it, as his mind. Both ſhuffled on by circular movements, and both had need of ſupports from without.

Shuffling gait.

Abſence of ſelf-ſupport.

But, if the time has now come in England for any ſerious conflict between the Subject and the Crown, where any longer is that fence or barrier to the monarchy which the perſonal qualities and bearing of Engliſh ſovereigns have heretofore thrown up; and which in paſt years, even when its privileges were moſt onerous, has been no inconſiderable protection to it? This clumſy, uncouth, ſhambling figure, with its goggle eyes, ſhuffling legs, and ſlobbering tongue, confounded even an eager congregation of courtiers; and by the time it reached London, a witneſs not prejudiced takes upon himſelf to avouch, "the admiration of "the intelligent world was turned into con-"tempt."

A fence to monarchy thrown down.

Courtiers confounded.

Up to the cloſe of the journey, nevertheleſs, the contempt had been decently diſguiſed. At Newcaſtle and York, magnificent civic entertainments awaited his Majeſty. With ſplendour not leſs profuſe, Sir Robert Cary received

Royal progreſs to London.

Entertainments. him at Widdrington, the Biſhop of Durham at Durham, Sir Edward Stanhope at Grimſton, Lord Shrewſbury at Worksop, Lord Cumberland at Belvoir Caſtle, Sir John Harrington at Exton, the Lord Burghley at Burghley, and Sir Thomas Sadler at Standen. With princely hoſpitality, Sir Oliver Cromwell regaled him at Hinchinbrook; and, there, the ſturdy little nephew and nameſake of Sir Oliver received probably his firſt impreſſion of a king, and of the ſomething leſs than divinity that hedged him round. At Broxbourne, too, where Sir Henry Cox had provided noble entertainment, greeting as memorable was in ſtore for him; for here the greateſt man then living in this univerſe, ſave only one, waited to offer him homage. "Methinks," ſaid Francis Bacon after the interview, "his Majeſty rather aſks "counſel of the time paſt than of the time "to come;" and, cloſing up againſt the time to come his own prophetic viſion, that wonderful genius took his employment in the ſervice of the time paſt. Nearer and nearer London, meanwhile, the throng ſwelled more and more; and on came the King, hunting daily as he came, inceſſantly feaſting and drinking, creating knights by the ſcore, and everywhere receiving worſhip as the fountain of honour. Viſions of levelling clergy and factious nobles, which had haunted him his whole life long, now paſſed for ever from him. He turned to his Scotch followers, and told them they had at laſt arrived in the land of promiſe.

At Hinchinbrook:

Oliver Cromwell (æt. 4) firſt ſees a King.

Interview with Francis Bacon.

Arrival in land of promiſe.

Interview with Cecil: But he had yet to ſee the moſt important man in this promiſed land. He was waiting

the royal advent at his ſeat of Theobalds, within a few miles of London, on the 3rd of May: and ſtrange muſt have been the firſt meeting, at the gate of that ſplendid manſion, between the broad, ſhambling, ſhuffling, groteſque monarch, and the ſmall, keen, crook-backed, capable miniſter; between the ſon of Mary Queen of Scots, and the ſon of her chief executioner. We are not left to doubt the nature of the impreſſion made upon Cecil. During the years he afterwards paſſed in James's ſervice, he withdrew as far as poſſible from the control he might have claimed to exerciſe, and the reſponſibility he muſt have aſſumed, over the home adminiſtration; and did his beſt, to the extent of his means, by a ſagacious policy abroad, to keep England ſtill reſpected and feared in her place amid foreign nations. No one ſerved the King ſo ably, or, there is reaſon to believe, deſpiſed him ſo much. In her latter years, Elizabeth had exacted of her miniſters that they ſhould addreſs her kneeling, and ſome one congratulated Cecil that thoſe degrading conditions were paſſed away. "Would to God," he replied, "I yet ſpake upon my knees!"

At Theobalds: 3rd May.

Unfavourable impreſſion on the miniſter.

Foreign policy.

On the death of Cecil, in the tenth year of the reign, James found himſelf firſt free to indulge, unchecked, his luſts of favouritiſm. Though already the Ramſays, Humes, and Marrs, had contrived to fatten themſelves upon him, it is not until Cecil has paſſed away that we get full ſight of the Somerſets and Buckinghams. Robert Car was a poor but handſome young Scot, younger ſon of one of

Death of Cecil: 1612.

Riſe of Somerſet.

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the ſmall lairds of Teviotdale, ſtraight-limbed, well-favoured, ſtrong-ſhouldered, and ſmooth-faced, when the King's eye fell upon him. Within a few weeks he was created Knight, Lord-treaſurer, Viſcount, Knight of the Garter, and Earl; and everywhere about the Court, according to Lord Thomas Howard, the King was to be ſeen leaning upon him, pinching his cheek, ſmoothing his ruffled garment, and, while directing his diſcourſe to others, looking ſtill at him. He attended him at his rooms in illneſs, taught him Latin, beggared the beſt to enrich him; and, when the wife of Raleigh knelt at his feet to implore him not to make deſtitute the hero he had impriſoned, ſpurned her from him with the words, "I mun ha' the land! I mun ha' it for "Car." On the eve of Car's arraignment as a murderer, the king is deſcribed, by one who was preſent at their parting interview, to have hung lolling about his neck, ſlobbering his cheeks with kiſſes; and their ſtrange connection was not even unlooſed by Car's conviction of the crime. The life of Overbury's murderer was ſpared; he had ſubſequent glimpſes of favour; and he received no leſs a penſion than 4000*l.* a year when his offices were transferred to a ſucceſſor certainly better entitled to favour than himſelf, and a man of greater ability, but whoſe riſe had been hardly more honourable. Never any man, exclaims Clarendon of George Villiers, in any age, or in any country or nation, roſe in ſo ſhort a time to ſo much greatneſs of honour, fame, or fortune, upon no other ad-

King's manner to favourites.

Somerſet's fall.

Riſe of Villiers.

vantage or recommendation than of the beauty and gracefulneſs of his perſon. Nor was it in a leſs degree the amazement of the grave ſignors and ambaſſadors of Venice, when received at a court maſque, to ſee the prime miniſter Buckingham, for the delectation of the King, cut a ſcore of lofty and very minute capers, and the King, for the reward of his prime miniſter, pat him on both cheeks with an extraordinary affection. A prime miniſter at a maſque.

Such entertainment had of courſe little to recommend it to Italian viſitors, who ſeem rightly to have judged, of all the ordinary actors in it, that not only were they odious and profligate, but in ſome ſenſe or other deſpicable. The likings of James's court were indeed thoſe of Comus and his crew; and even the genius it engaged in its ſervice, it degraded to that level. Nakedly to indulge every groſs propenſity, became the daily purſuit and higheſt qualification of all admitted to its precincts. The circle that ſurrounded Elizabeth had been no very exact model of decency; but there was ſtrength of underſtanding in the Queen, and it conſtrained the vices of thoſe around her, as it veiled her own. When James became chief of the revels, this check paſſed wholly away. Everything was in waſteful exceſs; and in the foul corruption which alone could ſatisfy it, the men were not more eagerly engaged than the women, who drank alſo freely as they, and played as deep. Lady Glenham took a bribe of a hundred pounds for ſome diſhonourable work to be done by her father; and even the King's Scenes and actors in the Court. Unreſtrained indulgences. Bribes taken by women.

couſin, poor Arabella Stuart, intrigued to get one of her uncles a peerage, for a certain ſum to be paid to herſelf. The dead Queen had gradually diſuſed, and at laſt ſtrictly prohibited, the brutal ſports of the cockpit; but her ſucceſſor revived, and at leaſt twice every week took part in them. Daily, from morning until evening in the chaſe, the bear-garden, or the cockpit, and from evening until night in groſs ſenſual pleaſures, the Court paſſed its life; and to what extent ſuch life took precedence of every other, may be partly meaſured by the fact that the fee of the Maſter of the Cocks exceeded the united ſalaries of two Secretaries of State. The ſecond year of the reign had not paſſed, when Cecil had to write to Lord Shrewſbury that the expenſe of the royal houſehold, which till then had not exceeded thirty thouſand a year, had riſen to a hundred thouſand; "and now think," added the miniſter of Elizabeth, "what the Country "feels; and ſo much for that." In the ſeventh year of the reign, the ſurplus of outlay above revenue continued, and, according to the then value of money, James's debts were half a million; or at our preſent value, ſomething more than a million and a half. The ſhame of his neceſſities became flagrant. His treaſurer, Buckhurſt, was ſeized in the ſtreet for wages due to his ſervants; the very purveyors ſtopped the ſupply to his table; and ſome years afterwards, when the embaſſy from Venice came to London, ſuch wants of the royal houſehold were ſtill common talk. They went on increaſing further. The hungry and

Sports of the cockpit.

Profligate expenditure.

Debts of the King.

Shameful neceſſities.

numerous family of the favourite had to be provided for as well as himſelf, and of all the favourites none had been ſo profuſe as Buckingham. As yet among rare luxuries was the coach, unheard of till the preceding reign, and then with two horſes only; but James's prime miniſter, to the general amazement of men, drove ſix, and even eight horſes. Hard would it be to ſay which was moſt degrading, the extremity of the waſte, or the deſperation of the means of meeting it. Benevolences were tried, and exorbitant fines were impoſed by the Star Chamber on thoſe who reſiſted them or who counſelled reſiſtance. Impoſitions by prerogative were laid in every form, and were backed by ſuborned and ſcandalous deciſions in the courts. Patents were granted on all ſides to greedy projectors, creating monopolies the moſt intolerable, and eating the life out of trade. Fees had been got from knighthood, until nobody more would incur the coſt; men of gentle birth had been exhauſted, till, as the ſaying went, not an untitled Yorkſhire ſquire was left to uphold the race; and Lord Bacon, at even *his* wits' end after Lord Montgomery's barber and the huſband of the Queen's laundreſs had been knighted, ſuggeſted knighthood with ſome new difference and precedence. Hereupon baronetcies were thought of; and, being offered for a thouſand pounds each to any who conſented to be purchaſers, for a time they made the King richer by ſome hundred thouſand pounds. This new branch of induſtry turning out ſo well, the peerage had been next put up to ſale, and not

Buckingham's extravagance.

Expedients for money.

Benevolences and fines.

Patents and monopolies.

Knighthood exhauſted.

Baronetcies invented.

Peerages put up to ſale.

leſs openly. For ſix thouſand pounds a man became a baron; for twenty thouſand an earl; and, if Mr. John Hampden, of Great Hampden in Bucks, had not preferred a leſs periſhable title, his mother would have given ten thouſand pounds to make a viſcount of him.

Tariff of titles.

James's theological diſplays.

Yet the ſcenes of extravagance and riot which ſo marked the Court of the firſt of our Stuart kings, may be characterized as even decent and reſpectable, by the ſide of thoſe more deteſtable exhibitions in which its chief actor claimed to be regarded as furniſhed forth with ſparkles of divinity, and the lieutenant and vicegerent of God. James had written a treatiſe to prove that inaſmuch as Monarchy was the true pattern of the Godhead, it could in no reſpect be bound to the law; for as it was atheiſm and blaſphemy to diſpute what God could do, ſo it was preſumption and high contempt to diſpute what a King could do, or ſay that a King could not do this or that: and an unimpeachable witneſs, who was preſent at the Hampton Court Conference, has ſhown with what peculiar emphaſis, upon occaſion, he could recommend theſe principles by his graces of ſpeech. At that Conference (a memorable one, for in it the thing called Engliſh Puritaniſm firſt openly made good its claims to obtain a hearing from majeſty itſelf) he affected to ſit in judgment as moderator between the High Church Party and the Puritans; and it was after having heard the high churchmen at great length, and with much graciouſneſs, that he interpoſed with ſcurrilous abuſe as ſoon as the

Hampton Court Conference.

King's conduct to Puritans.

Puritans began to ſpeak. He "bid them "awaie with their ſnivellinge; moreover, he "wiſhed thoſe who would take away the ſur- "plice might want linen for their own breech. "The biſhops," it is added naively, "ſeemed "much pleaſed, and ſaid his majeſtie ſpake by "the power of inſpiration." One of the biſhops preſent, indeed, Bancroft of London, flung himſelf on his knees, and proteſted his heart melted for joy "that Almighty God had, "in his ſingular mercy, given them ſuch a "King as had not been ſeen ſince Chriſt's "time." Chancellor Elleſmere cried out that for his part he had now ſeen what he had never hoped to ſee, King and Prieſt united fully in one perſon; and Archbiſhop Whitgift aſſeve- rated that his Majeſty ſpoke by the Spirit of God. "I wiſt not what they mean," adds the reporter of the Conference, "but the ſpirit "was rather foul-mouthed." It was cruel alſo; for the character in which this deified Scotch pedant next preſented himſelf was one that might well have been ſuggeſted and juſtified by ſuch obſequious blaſphemy. He ſent two Unitarian miniſters, Bartholomew Legat and Edward Wrightman, to periſh by the ſtake at Smithfield; he ſent to the ſcaf- fold, after torturing, the white-haired old puritan Peachem; and he perſecuted to the death the Dutch reformer Vorſtius, againſt whoſe tolerant and pious teaching he had penned the memorable declaration which was inſcribed to "our Lord and Saviour Jeſus "Chriſt by his moſt humble and moſt obliged "ſervant James." In the preſence of ſuch

Delight of the Biſhops.

Chan- cellor Elleſ- mere's ideal.

James's religious perſecu- tions.

Retribution in ſtore.

acts and utterances, and of the utter impoſſibility of diſcovering for them any reaſonable mitigation or excuſe, it is not harſh to James's memory to ſay that the blood of his unhappy ſon only half expiated theſe and ſimilar ſins. The records of civiliſed life, and of rational men, offer no other inſtance of ſuch pretenſions. We have to turn for a parallel to the peſtilential ſwamps of Africa, where one of thoſe prodigious princes whom we bribe with rum to aſſiſt us in ſuppreſſing the ſlave-trade, announced lately to an Engliſh officer, "God made me "after His image: I am all the ſame as God: "and He appointed me a King." This was James's creed preciſely; and after delivering it to his ſubjects in words exactly ſimilar, he might be publicly ſeen of them, as Harrington deſcribes him at a maſque given by Cecil, "wallowing in beaſtly delights."

A parallel to James's creed.

Alleged darker traits:

It will nevertheleſs be barely juſt to add, even of this revolting picture, that it has been darkened by touches of a more infamous complexion of which there is no proof. In the Overbury proceedings much muſt ever remain inexplicable; but agitation under threat of an accuſation unnamed, conſiſts unfortunately with innocence quite as much as with guilt. A weak man is even likelier than a guilty one to be diſturbed as James was, when Somerſet's dark threats were brought to him by the Lieutenant of the Tower; and there exiſts a letter of his at Lambeth, replying to the Earl's remonſtrance againſt inquiry into the murder, which, though earlier than the diſcloſures of the Lieutenant, renders incredible

Not eſtabliſhed.

Lambeth MSS. 930, *f.* 91.

the inference, they might elſe have led to. In plain words I believe James to have had as little to do with Overbury's death as with Prince Henry's, and that ſuſpicions even more deteſtable reſt upon no fair evidence. Enough otherwiſe has here been ſaid to explain the contempt and diſlike, which, ſeveral years before his death, had faſtened upon his name, and were the inheritance of his race.

Innocent as to Overbury and Prince Henry.

Let an intelligent foreigner deſcribe for us the opinion of their ruler, which had become generally prevalent among the Engliſh people. "Conſider for pity's ſake," ſays M. de Beaumont, in one of his deſpatches, "what muſt be the ſtate and condition of a "prince, whom the preachers publicly from "the pulpit aſſail; whom the comedians of "the metropolis covertly bring upon the ſtage; "whoſe wife attends thoſe repreſentations in "order to enjoy the laugh againſt her huſband; "whom the Parliament braves and deſpiſes; "and who is univerſally hated by the whole "people." The Frenchman's great maſter, Henri Quatre, ſhortly before he fell by the hand of an aſſaſſin, had ſpoken of the effects of ſuch contempt when directed againſt the perſon of a Sovereign, as marvellous and horrible: and in this caſe alſo they were deſtined to prove marvellous and horrible, *in the ſecond generation.*

Opinions of the people.

Contempt of the perſon of the ſovereign.

Legacy to Charles I.

THE DEBATES ON THE GRAND REMONSTRANCE.

NOVEMBER AND DECEMBER, 1641.

§ 1. PREFATORY.

Moſt exciting incident before the war.

IF the queſtion were put to any thoroughly informed ſtudent of our Great Civil War, into what ſingle incident of the period before the actual outbreak would appear to have been concentrated the largeſt amount of party paſſion, he could hardly fail at once to ſingle out the Grand Remonſtrance. And if he were then aſked to name, out of all the party encounters of the time, that of which the ſubject matter and antecedents have been moſt unaccountably ſlurred over by hiſtorians, he muſt perforce give the ſame anſwer. It follows that the writers of hiſtory have in this caſe thought of ſmall importance what the men whoſe deeds they record accounted to be of the greateſt, and it will be worth inquiring how far the later verdict is juſt.

Moſt neglected by hiſtorians.

Happily, the means exiſt of forming a judgment as to the particular ſubject, on grounds not altogether uncertain or unſafe. The Grand Remonſtrance itſelf remains.

Under maſſes of dull and lifeleſs matter heaped up in Ruſhworth's ponderous folios, it has lain undiſturbed for more than two centuries; but it lives ſtill, even there, for thoſe who care to ſtudy its contents, and they who ſo long have turned away from it unſtudied, may at leaſt plead the excuſe of the dreary and deterring companionſhip around it. The truth, however, is, that to the art and diſingenuouſneſs of Clarendon it is really due, in this inſtance as in ſo many others, that thoſe who have written on the conflict of parties before the civil war broke out, have been led off to a falſe iſſue. He was too near the time of the Remonſtrance when he wrote, and he had played too eager a part in the attempt to obſtruct and prevent its publication to the people, not to give it prominence in his Hiſtory; but he found it eaſier to falſify and miſrepreſent the debates concerning it, of which there was no publiſhed record, than to paſs altogether in ſilence the ſtatements made in it, diffuſed as they had been, ſome ſcore of years earlier, over the length and breadth of the land. Indeed it alſo better ſerved the purpoſe he had, ſo to garble and miſquote theſe; and from the fragment of a ſummary he gave, filling ſome ſix pages of the octavo edition of his book, Hume and the hiſtorians of the laſt century derived manifeſtly the whole of what they knew of the Grand Remonſtrance. But even the more careful and leſs prejudiced hiſtorians of our own century have not ſhown that they knew much more.

Remonſtrance printed in *Ruſhworth.*

Miſleading of Clarendon.

Falſification of Debates.

Miſſtatements followed by all.

Upon the debate in the Houſe before it was

put to the vote, as referred to by Hyde, all writers have dwelt; and of courſe every one has copied and reproduced thoſe graphic touches of Philip Warwick, the young courtier and follower of Hyde, afterwards the faithful ſervant of the King, in which he gives his verſion of what the Remonſtrance was, how it originated, and what an exciting debate it led to. How ſome leading men in the Houſe, as he ſays, jealous of the propoſed entertainment to be given by the City to the King on his return from Scotland, had got up an entertainment of their own in the ſhape of a libel (the Remonſtrance, that is), than which fouler or blacker could not be imagined, againſt his perſon and government; and how it paſſed ſo tumultuouſly, two or three nights before the king came to town, that at three o'clock in that November morning when they voted it, he thought they would all have ſat in the Valley of the Shadow of Death: for they would, like Joab's and Abner's young men, all have catched at each other's locks, and ſheathed their ſwords in each other's bowels, had not the ſagacity and great calmneſs of Mr. Hampden, by a ſhort ſpeech, prevented it, and led them to defer their angry debate until the next morning.* Doubtleſs a ſcene to be remembered, and which naturally has attracted all attentions ſince; but that out of the many who have ſo adopted it, and, from the mere reading it, felt ſome ſhare in the excitement it pourtrays, not one ſhould have been moved to make cloſer

Sir Philip Warwick's account.

Extraordinary ſcene.

Hampden's influence.

* *Memoires of the Reign of King Charles the Firſt*, by Sir Philip Warwick, Knight, (Ed. 1702) 201-2.

inquiry into what the ſo-called "libel" really was that ſo had rouſed and maddened the partiſans of the King, may fairly be matter of ſurpriſe. Hallam is content to give ſome eight or nine lines to it, in which its contents are not fairly repreſented. Lingard diſpoſes of it in ſomething leſs than a dozen lines. Macaulay has only occaſion incidentally to introduce it, and a ſimple mention of it is all that falls within the plan of Carlyle. Godwin paſſes over it in ſilence; and ſuch few lines as Diſraeli (in his Commentaries) vouchſafes to it, are an entire miſ-ſtatement of its circumſtances and falſification of its contents. It is not neceſſary to advert ſpecifically to other hiſtories and writings connected with the period; but the aſſertion may be confidently made, that in all the number there is not one, whatever its indications of reſearch and originality in other directions may be, which preſents reaſonable evidence of any better or more intimate knowledge of the Grand Remonſtrance than was derivable from the garbled page of Clarendon. The purpoſe of this work is to remove that reproach from the ſtudy of this period of hiſtory; not merely by endeavouring to preſent in ſome detail, and with explanatory illuſtration from manuſcript and contemporary papers, an abſtract of the contents of the Remonſtrance, but by reproducing, from records as yet untouched, ſuch accurate and detailed deſcriptions of the debates that attended its paſſage through the Houſe, as may perhaps alſo reproduce, and reanimate with their old truth and vividneſs, the actual circum-

Various references to Great Remonſtrance.

Clarendon generally followed.

Purpoſe of the preſent work.

Written from MS. records.

ſtances of the time. Only ſo may the eagerneſs and paſſion diſplayed on both ſides become again intelligible to the modern reader.

§II. What the Grand Remonstrance Was.

Caſe of the Parliament againſt the King.

THIS moſt memorable State Paper, commonly ſo garbled and almoſt invariably ſo miſrepreſented as I have had occaſion to remark, remains nevertheleſs a fact living and acceſſible to us; a ſolid piece of actual hiſtory, retaining the form which its authors gave to it, and breathing ſtill ſome part of the life which animated them. It embodies the caſe of the Parliament againſt the Miniſters of the King. It is the moſt authentic ſtatement ever put forth of the wrongs endured by all claſſes of the Engliſh people, during the firſt fifteen years of the reign of Charles the Firſt; and, for that reaſon, the moſt complete juſtification upon record of the Great Rebellion. It poſſeſſes, for the ſtudent of that event, the ſpecial intereſt which ariſes from the fact, that it demonſtrates more clearly than any other paper of the time, by its cloſe and powerful reaſoning, how inſeparable Religion and Politics had become, and how each was to be ſtabbed only through the ſide of the other. If we would ſatisfy ourſelves that wherever any writer ſuch as Hume has ſought to put a diſtinction between the modes of regarding theſe ſubjects purſued by the ſtateſmen of this Parliament, and that where he has contraſted their profound capacity, undaunted courage, and largeneſs of view in Civil Affairs, with their ſuppoſed narrowneſs

Moſt complete juſtification of Great Rebellion.

Religion and Politics in union.

Hume's falſe diſtinctions:

and bigotry in Religion, he has ſimply ſhown how imperfect and narrow had been his own ſtudy and preparation for the taſk of doing juſtice to ſuch men, we have but to turn to the Grand Remonſtrance. For the preſent I can only dwell upon it briefly. refuted by the Remonſtrance.

It deſcribes, then, the condition of the three kingdoms at the time when the Long Parliament met, and the meaſures taken thereon to redreſs ſtill remediable wrongs, and deal out juſtice on their authors. Enumerating the ſtatutes paſſed at the ſame time for the good of the ſubject, and his ſafety in future years, it points out what yet waited to be done to complete that neceſſary work, and the grave obſtructions that had ariſen, in each of the three kingdoms, to intercept its completion. It warns the people of dangerous and deſperate intrigues to recover aſcendancy for the court faction; hints not obſcurely at ſerious defections in progreſs, even from the popular phalanx; accuſes the biſhops of a deſign to Romanize the Engliſh Church; denounces the effects of ill counſels in Scotland and Ireland; and calls upon the King to diſmiſs evil counſellors. It is, in brief, an appeal to the country; conſiſting, on the one hand, of a dignified aſſertion of the power of the Houſe of Commons in re-eſtabliſhing the public liberties, and, on the other, of an urgent repreſentation of its powerleſſneſs either to protect the future or ſave the paſt, without immediate preſent ſupport againſt papiſts and their favourers in the Houſe of Lords, and their unſcrupulous partizans near the throne. There Character of its contents. Warnings againſt Court. Appeal to the country.

No diſreſpect to King or Church.

is in it, nevertheleſs, not a word of diſreſpect to the perſon or the juſt privileges of royalty; and nothing that the fair ſupporters of a ſound Church Eſtabliſhment might not frankly have approved and accepted. Of all the State Papers of the period, it is in theſe points much the moſt remarkable; nor, without very carefully reading it, is it eaſy to underſtand rightly, or with any exactneſs, either the iſſue challenged by the King when he unfurled his ſtandard, or the objects and deſires of the men who led the Houſe of Commons up to the actual breaking out of the war.

States what the war put in iſſue.

Eſſential as the ſtudy of it is, however, to any true comprehenſion of this eventful time, the difficulty of reproducing it in modern hiſtory muſt doubtleſs be admitted. It is not merely that it occupies fifteen of Ruſhworth's cloſely printed folio pages, but that, in ſpecial portions of its argument, it paſſes with warmth and rapidity through an extraordinary variety of ſubjects, of which the connection has ceaſed to be always immediately apparent. Matters are touched too lightly for eaſy comprehenſion now, which but to name, then, was to ſtrike a chord that every breaſt reſponded to. Some ſubjects alſo have a large place, to which only a near acquaintance with party names and themes can aſſign their juſt importance, either as affecting each other, or making ſtronger the ultimate and wider appeal which by their means was deſigned. The very heat and urgency of tone, the quick impatience of alluſion, the minute ſubdiviſion of details, the paſſionate iteration of topics, everything that made its

Occupies 15 folio pages in Ruſhworth.

Difficulty of reproducing it.

narrative ſo intenſe and powerful once, and gives to it in a certain ſenſe its vividneſs and reality ſtill, conſtitutes at the ſame time the difficulty of preſenting it in ſuch an abſtract, careful and connected, not without detail and yet compreſſed, as would admit of reproduction here. It will be well worth while, nevertheleſs, to make the trial; which, however ſhort it may fall of ſucceſs in the particular matter, may have ſome hiſtorical value independently. For, by the uſe of thoſe manuſcript records to which I have referred, as yet unemployed by any writer or hiſtorian, it will at leaſt be poſſible to illuſtrate the abſtract to be given by an account of the Debates reſpecting it in the Houſe of Commons, and theſe with relation as well to itſelf as to its antecedents and conſequences, far more intereſting, becauſe more minute and faithful, than any heretofore given to the world. And in this will be the undoubted additional advantage, that thereby will be ſupplied a not inefficient teſt for Clarendon's accuracy and honeſty of ſtatement in the moſt critical part of his narrative of theſe affairs.

Its various and minute detail.

Purpoſed illuſtration by MS. records.

Teſt for Clarendon's honeſty.

§ III. Sir Simonds D'Ewes and his Manuscript Journal of the Long Parliament.

One preliminary to the taſk I have undertaken ſeems to be required of me. To eſtabliſh for myſelf the claim to authenticity of ſtatement which it is propoſed to diſpute in others, it will be neceſſary to deſcribe the

Authority for new facts in this work.

authority from which the moſt part of the facts given in this paper are derived, and now firſt contributed to hiſtory. They are the reſult of much tedious and painful reſearch into the blotted manuſcripts of Sir Simonds D'Ewes, preſerved in five bound volumes in the Britiſh Muſeum,* and entitled, "A Journal "of the Parliament begun November 3d, "Tueſday, Anno Domini 1640." To the exiſtence of ſuch a journal attention has been lately drawn more than once by alluſions in Mr. Carlyle's writings in connection with Cromwell;† and from a manuſcript abſtract made for him when he contemplated writing a Hiſtory of the Puritans (a project which it is a matter of great regret that he abandoned), a very intereſting notice of D'Ewes, with ſome account of his Journal, was publiſhed ſeveral years ago in the *Edinburgh Review*.‡ Mr. Carlyle kindly placed this

Journal by D'Ewes in Harleian MSS.

Writers acquainted with it.

* Harleian MSS. Nos. 162, 163, 164, 165, 166.

† "We call theſe Notes the moſt intereſting of all manu- "ſcripts. To an Engliſh ſoul who would underſtand what "was really memorable and godlike in the Hiſtory of his "country, diſtinguiſhing the ſame from what was at bottom "*un*-memorable and devil-like; who would bear in everlaſting "remembrance the doings of our noble heroic men, and ſink "into everlaſting oblivion the doings of our low ignoble "quacks and ſham-heroes,—what other record can be ſo "precious?"—Carlyle's *Miſcellanies*, iv. 338-9.

Notes by D'Ewes characteriſed.

‡ For July, 1846. I do not betray any confidence in ſtating that this paper was by that very learned and agreeable writer, Mr. John Bruce, whoſe deſcription of D'Ewes's original manuſcript may here be ſubjoined, in confirmation of what is ſaid in the text. "For ſome part of the time, the "Notes have been copied and written out in a narrative form, "in a reſpectable hand; in other places, we have nothing "but the rough jottings-down of D'Ewes's own pen. At "firſt, when we begin to read them, all is obſcurity, as dull "and denſe as that which overclouds the pages of Ruſhworth,

Edinb. Review, July, 1846.

manuſcript at my diſpoſal on my commencing ſome years ſince, at the requeſt of the Meſſrs. Longman, what I have found to be the not very eaſy taſk of preparing for a library edition, and making leſs unworthy of the favour extended to it, a work entitled *The Stateſmen of the Commonwealth* written ſeveral years before. On comparing, however, its abſtract of D'Ewes with the original, it proved to be ſo entirely imperfect and deficient even as an index to the larger collections, that there was no alternative but to begin the reſearch anew. I will preface what I have to relate as the reſult of ſuch more careful inquiry with a brief account of the writer.

Neceſſity of ſtudying the original MS.

Simonds D'Ewes was the eldeſt ſon of Paul D'Ewes, one of the Six Clerks of the Court of Chancery, who had married the daughter of his chamber-fellow in the Temple, Richard Simonds, whoſe Dorſetſhire eſtate, inherited by his daughter, went afterwards to enrich her ſon. He was born in December 1602; and, after a childhood paſſed with his mother's family in Dorſetſhire, lived with his father alternately in Suffolk and in Chancery Lane; went in his fourteenth year to Bury School, and in his ſixteenth to St. John's in Cambridge, from which, after a reſidence of little more than two years, he was very glad to get back to his father, out of, as he tells us, the ſwear-

Account of D'Ewes.

Born 1602.

At Cambridge, 1618.

"Nalſon, and the Journals; but as we go on, the miſt "gradually grows leſs denſe,—rays of light dart in here and "there, illuminating the palpable obſcure; and in the end, "after much plodding, and the exerciſe of infinite patience, "we may come to know the Long Parliament as thoroughly "as if we had ſat in it."

Leaves Cambridge, 1620-1.

ing, drinking, rioting, and luſtful indulgence, abounding generally in Cambridge at that time. So long previously as his ninth year he had been entered of his father's Inn, ſo that now, on going into commons at the Temple, he found himſelf, lad as he was, "ancient" to above two hundred elder Templars. But, though deſtined for a working lawyer, he did not take kindly to the practical ſtudy of the profeſſion. True to his firſt childiſh aſſociations with the Chancery Rolls and Records in his father's houſe, he went ſuddenly back to the purſuit thus favoured moſt, and became a confirmed Antiquary. He had not mis-ſpent his time at Cambridge. He was a fair claſſical and Engliſh ſcholar, had got himſelf well up in Ariſtotle, and was accuſtomed to recreate his leiſure with Spenſer's *Fairy Queen*. But the grand purpoſe of all ſtudy now preſented itſelf in other and more abſorbing ſhapes; and from this to the cloſe of his life he found "in records and other "exotic monuments of antiquity, the moſt "raviſhing and ſatisfying part of human "knowledge."

Quits Weſtminſter Hall.

Delight in old records.

Fortune befriended him. As his father had married an heireſs, he thought he might look out for one himſelf; and he found one. In his twenty-fourth year he married a Suffolk heireſs who had not quite completed her fourteenth, and five years later he added greatly to her eſtate by inheriting his father's. He bought a knighthood and afterwards a baronetcy, worked hard at the tranſcription of records, collected valuable manuſcripts and parchment rolls, amaſſed materials for what he flattered himſelf

Marriage, 1626.

Buys his rank.

would be "a more exact hiſtory of Great "Britain that remaineth of any nation in the "Chriſtian world," compiled his really valuable Journals of Elizabeth's Parliaments, and brought together a library of ſome rarity and worth. The growth of his importance had been marked meanwhile by his nomination as High Sheriff of Suffolk in 1639. He had not in former years been unmindful of public affairs, nor had the ſtudy of antiquity dulled a ſomewhat ſharp ſight for what was actually paſſing around him; but not until the time of his official experience had he realiſed all the wrongs under which his countrymen were labouring. He was not long now in publicly declaring himſelf of the Puritan party, his natural leaning to which had been further ſtrengthened by his affection for his wife's couſin, Sir Nathaniel Barnardiſton, afterwards member for the county; and the end of it was that upon his humbly bringing before the Council, in his character of High Sheriff, certain ancient records ſhowing the illegality of ſhip money, and proving other acts of the Board to be unwarrantable, Laud incontinently made a determined patriot of him by flinging him into the Star Chamber. Reſolved upon this to get a hearing for his records in Parliament, ſince elſewhere they were ſilenced, he offered himſelf twice before he ſecured a ſeat, but was at length returned to the Long Parliament for Sudbury. He came up to London laden with the manuſcripts, books, and parchment rolls, that were to proclaim his knowledge of the ancient liberties;

Projects a Hiſtory.

High Sheriff of Suffolk, 1639.

Sympathy with Puritans.

Returned to Long Parliament for Sudbury.

Lodgings at Weſtminſter. took a lodging firſt in Millbank Lane, and then in "Goate's Alley, a little beyond the "White Lyon Taverne, near the Pallace Yard"; took his ſeat on the day when the committee of ſeven were appointed to ſearch for precedents in the contemplated proceedings againſt Strafford; and on that night wrote off to his wife, whom he had left behind him in Suffolk,

Firſt ſpeech in Houſe. "I ſpake thrice this morning in the Houſe, "and at my ſecond ſpeech vouched a record, "which not onelie gave great ſatisfaction, but "ended a waightie and perplexed diſpute it was "then controverting."

Daily from that day onward, for upwards of four years, Sir Simonds D'Ewes attended in the place he had ſelected for himſelf, on

Aſſiduous attendance. the front bench at the left of Mr. Speaker, juſt oppoſite the end of the Clerk's table, with the regularity and preciſion of one of his own precedents. "Vouching" them almoſt every day thenceforward, having ſomething to ſay from them on almoſt every queſtion, and, what is moſt to our preſent purpoſe, never failing for a ſingle day, when not

Takes Notes of debates. ſpeaking himſelf, to be ſeen buſily writing in a note-book as others ſpoke around him, there ſat the learned and ſelf-ſatisfied member for that ſmall Suffolk borough, taking no unimportant part in the making of hiſtory. His love for ſtudying records had fortunately extended to a paſſion for creating them, and the fruit of his daily taking of notes was the manuſcript

Fruit thereof: "Journal of the Parliament begun November "3d, Tueſday, Anno Domini 1640," which ſtill continues for us, as I have ſtated, a record

of inappreciable value. Even as Sir Simonds had actually written them in the Houſe, with note-book on his knee and ink-bottle hanging at his breaſt, great portions of them remain, confuſedly bound up with duplicate copies and other portions more fairly tranſcribed; and hence, ariſing from their very claim to implicit acceptance, the impoſſibility of accepting them from any but the original manuſcript. In five volumes of Journal.

I ſoon found, indeed, on beginning the enquiry before adverted to, that without ſtrictly honeſt and earneſt examination of D'Ewes's actual handwriting, it was impoſſible to make anything of the Journal. Whatever in it is moſt valuable, is in the rougheſt blurred condition; written often on the backs of letters, mere *diſjecta membra* of Notes for a Diary, often all but illegible, now and then entirely ſo; and the reader will better underſtand the full force of this remark who turns to the careful facſimile made for me of two of its pages, and given as an illuſtration to the preſent volume. Many portions, certainly, are more legibly written, a ſecretary or tranſcriber having been called in for the purpoſe; but theſe are found upon examination to be alſo the leſs valuable, conſiſting often of illuſtrations drawn from contemporaneous printed records, of prodigiouſly lengthy expanſions of ſomewhat pedantic orations by D'Ewes himſelf, or of extracts from the Journals or other documents ſupplied by the Clerk of the Houſe. Other parts, again, appear in duplicate, as mere expanſions of preceding notes. On the other hand, wherever the blotted writing of Condition of the original MS. Pages facſimiled. Component parts of MS.

D'Ewes recurs, there ſprings up again the actual and ſtill living record of what he had himſelf heard, and himſelf noted down, with pen and ink, as he ſat in that memorable parliament;* and theſe Notes, extending from 1640 to 1645, and in which the fourth or fifth of thoſe years is found jumbled up with the firſt, ſecond, or third, the one perhaps written on the reverſe of the other, have been thrown together and bound with ſuch equally ſmall regard to ſuccinct arrangement, that the

Confuſed preſent ſtate.

* I quote a paſſage from the original manuſcript under date November 13th, 1641. The plea and demurrer put in by the biſhops was then in debate, and Mr. Holborne, member for St. Michaels, was ſpeaking. "I was then about to withdraw a little out of the houſe, and went down as far as the "place where he was ſpeaking; and finding a ſeat empty "almoſt juſt behind him, I ſat down, thinking to have heard "him a little, before I had gone out. But finding him endeavour to juſtify the plea and demurrer, I drew out again "my pen and ink, and took notes, intending to anſwer him "again as ſoon as he had done." Between four and five months later (March 5, 1641-2) a ſpecial inſtance occurred of the jealouſy very frequently exhibited by members of the houſe in regard to the practice of note-taking. Sir Edward Alford, member for Arundel, had been obſerved taking notes of a propoſed Declaration moved by Pym. Sir Walter Earle, member for Weymouth, upon this objected that he had ſeen "ſome at the lower end comparing their notes, and one of "them had gone out." Alford was thereupon called back, and his notes required to be given up to the Speaker. D'Ewes then continues: "Sir Henry Vane ſenr. ſitting at that time "next me, ſaid he could remember when no man was allowed "to take notes, and wiſhed it to be now forbidden. Which "occaſioned me, being the principal note-taker in the houſe, "to ſay, &c. That the practice exiſted before he was born. "For I had a Journal, 13th Elizabeth. For my part I ſhall "not communicate my journal (by which I meant the entire "copy of it) to any man living. If you will not permit us "to write, we muſt go to ſleep, as ſome among us do, or go "to plays, as others have done." For further illuſtrations I may perhaps refer the reader to the *Arreſt of the Five Members*, § xxiii.

Self-painted portrait.

Jealouſy of Note-taking:

Old Vane objects, and D'Ewes replies.

record of the ſame week's debates may occaſionally have to be ſought through more than one, or even two volumes. The pages in facſimile prefixed to this work, which expreſs fairly the condition of the reſt, were ſelected not for that reaſon, but becauſe they were found to contain a fact of ſuch great hiſtorical importance, and to ſet at reſt, in a manner ſo ſtartling and unexpected, diſcuſſions relating to it which have divided the writers of hiſtory, that it ſeemed deſirable to preſent them in a ſpecially authentic form. Yet the very pages ſo containing it were found entirely ſeparated from the main part of the debates of which they form the connected portion, and mixed up, in a different volume of the MS., with the quite diſconnected records of three years later. All this, at the ſame time, while it explains the obſcurity in which D'Ewes's Notes have until now been permitted to reſt, gives us alſo ſtriking proof of the genuineneſs of the record. Its extraordinary value and exactneſs will appear in the ſection I am about to devote to the ſubject of Strafford's Attainder, as well for more detailed explanation of the new fact referred to, as for the better underſtanding of the poſition of parties during the Remonſtrance debates. The reader, who afterwards purſues with me the ſubject of the Great Remonſtrance itſelf, will have leſs reaſon to doubt the ſcrupulous veracity of what is here about to be contributed to its illuſtration.

Example of importance of their contents.

Why not earlier made uſe of.

§ IV. Attainder of the Earl of Strafford.

The Attainder made a teſt of opinions.

The Bill for Strafford's Attainder has been generally employed as a teſt of opinion upon the occurrences of this great period. To have oppoſed, or to have ſupported it, is even to this day put forth for proof, in either partizan, of the temperate love of freedom or of the unreaſoning paſſion for revolution. The folly of adopting ſuch a teſt, and the grave contradictions it involved, have been often pointed out; but it has nevertheleſs been ſtill repeated and inſiſted on, with no abatement of confidence.

A fallacious one.

The laſt perſon of any pretenſion who made uſe of it, a privy councillor and county member, himſelf a lineal deſcendant of Charles the Firſt's Chief Juſtice of the Pleas,* claſſes the Attainder with what he calls the revolutionary, the "fatal" act, for perpetuation of the Parliament, to which the royal aſſent was given on the ſame day; and he contraſts the reckleſs ſupporters of ſuch legiſlative abominations in the perſon of Mr. Pym, with the conſtitutional ſupporters of a limited monarchy repreſented by my lord Clarendon. It is nevertheleſs more than doubtful whether Mr. Edward Hyde did not vote for the attainder,

Unwiſe compariſons and contraſts.

"Story of Corfe Caſtle."

* The late Mr. George Bankes of Dorſetſhire, who made uſe of the expreſſions quoted in the text, in remarking on ſome family papers of his anceſtor Sir John Bankes, Charles the Firſt's Chief Juſtice of the Common Pleas, which he publiſhed a few years ago.

and it is very certain that he *did* vote for the bill to perpetuate the parliament. The ſame ingenuous admirer of Clarendon ſtrongly denounces the celebrated Proteſtation on behalf of Parliamentary liberty and the Reformed religion, brought forward at the time by Pym with ſo ſurpriſing an effect upon the people, without appearing to be in the leaſt aware that the ſecond name affixed to the Proteſtation was Edward Hyde's.* He can find nothing better than Robeſpierre's Reign of Terror wherewith to compare the excitements and "pretended" plots that forced on Strafford's execution; though it reſts on authority

The "Proteſtation" to defend Parliament and Religion.

* In a letter to Lady D'Ewes, Sir Simonds thus deſcribes the ill-fated interference of the King which directly led to the Proteſtation, and deſtroyed the laſt hope entertained by Strafford. "On Saturday morning wee underſtood that the "King was come to the Upper Houſe and expected us. Some "feared a diſſolution; but Mr. Maxwell came in with his "white ſticke, and looking cheerfullie, ſaied, Feare not; noe "harme, I warrant you. But trulie wee heard there what "aſtoniſht us all; for in ſumme the King told us, that the "Earle of Strafford was not guiltie of treaſon in his conſcience, "but of miſdemeanors onlie, and ſoe would not have him "ſuffer death, but onlie bee removed from his places.—Upon "our returne to the Houſe, wee refuſed to proceede in anie "buſineſs, but ſate ſilent, yet ſome ſpake ſhortelie of our "calamitie. When I dreamt of nothing but horror and "deſolation within one fortnight, the conſideration of your-"ſelfe and my innocent children drew teares from mee. At "laſt, manye having often cried *Riſe, Riſe*, betweene eleven "and twelve wee roſe. Sunday was paſſed over with much "affliction and ſadneſs. On Monday morning, the third day of "this inſtant May, ſome ſeven thouſand citizens came downe "to Weſtminſter; manie of them Captaines of the Cittie and "men of eminent ranke. They ſtaied each Lord almoſt as hee "came by, and deſired they might have ſpeedie execution "upon the Earle of Strafford, or they were all undone, their "wives and children. Wee ſhut upp our doores, and though "ſome went in and out, yet kept private what wee weere "about, and ſtaied from eight in the morning till eight at

D'Ewes to Lady D'Ewes.

King's ill-fated ſtep.

Agitation in the Houſe and in the City.

Royaliſt ſupporters of Attainder.

beyond diſpute that the man who carried up to the Lords' the firſt meſſage as to the army plot which precipitated the execution, was no other than Edward Hyde. Its reſolute promoter to the laſt, by ſpeeches as well as votes, was Falkland, Hyde's deareſt friend. Culpeper, his other confidential and intimate ally, ſupported eagerly every ſtep that led to it. The laſt thing his aſſociate Lord Capel recalled, as he laid his own head down upon the ſcaffold raiſed by Cromwell, was his vote in favour of it. And Hyde himſelf was the man who expoſed and defeated the final deſperate attempt of Strafford's perſonal friends, by means of an eſcape from the Tower, to avert what Clarendon had afterwards the face to call Strafford's "miſerable and never to be enough "lamented ruin." Such are the inconſiſtencies and contradictions incident to almoſt every attempt, founded on the hitherto recogniſed ſources which alone were open to the ſtudent, to adjuſt and apportion correctly the ſhare taken in theſe momentous proceedings by the leading men in the Commons.

Falkland, Culpeper, Capel, and Hyde.

Much of the confuſion is undoubtedly due to Clarendon, the aſſiduous efforts of whoſe later life, to blacken the characters of the

"Proteſtation" drawn up.

"night, and ſo concluded of a Proteſtation for the defence "of the true religion, the King's perſon, the Priviledges of "Parliament and our Liberties. The Speaker read the Pro-"teſtation firſt, and then everie man in the Houſe, even the "Treaſurer of the King's Houſehold himſelf, ſpoke to this "effect, holding the ſaid Proteſtation in his hande.—'Mr. "'Speaker, I, —, doe willinglie make the ſame Proteſtation "'that you have made before me, according to what is con-"'tained in this paper, with all my heart.'"

Taken by all.

leading men of the parliament, are read with implicit belief by ſo many to whom it never occurs to remember that at the outſet of his life Mr. Hyde had acted cordially with thoſe men. The privy councillor I have quoted at once ſatisfied himſelf that Clarendon could not have had any poſſible complicity with the Attainder, becauſe in that caſe his language to Lord Eſſex, ſet down in his own memoirs, would involve an incredible inconſiſtency. But unhappily the entire conduct of Hyde at this period is now proved to have been an inconſiſtency (to uſe no ſtronger word), deliberately as well as elaborately planned, and carried out with a view to the uſes to be made of it towards the ſervice of the King. When he declined to take office with Culpeper and Falkland, it was becauſe "he ſhould be able to "do much more ſervice in the condition he "was in, than he ſhould be if that were im-"proved by any preferment." In other words, he ſtayed as an independent member among the patriots, to make the better royaliſt uſe of his knowledge of their plans. Even in his own hiſtory he does not ſcruple to ſay as much, though his firſt editors had not the filial courage to print it. By the favour of more authentic editing it ſtands there now, a ſhameleſs avowal, on the ſame page which perpetuates his fame. When he had himſelf aſſented to a particular ſtate paper iſſued by the Houſe of Commons, he does not heſitate to inform us that the anſwer, iſſued ſome days later by the King, was copied from a draft prepared and privately forwarded

Danger of believing in Clarendon.

Conduct of Hyde.

Why he declined office.

Strange self-expoſure.

Hyde chairman of a committee.

by himſelf; and when, in grand committee on the bill againſt epiſcopacy, he was choſen chairman, he expreſſly tells us that he uſed the advantage it gave him to "enſnare" and "perplex" the advocates of the meaſure. Somewhat earlier, it may not here be out of place to add, he had ſat alſo as chairman of a committee to hear witneſſes in ſupport of certain complaints brought before the Commons, on which occaſion he ſeems to have found it extremely difficult to enſnare or perplex a particular member who ſat with him. This was a gentleman whom he had "never before" heard ſpeak in the Houſe, but whoſe whole carriage in the committee was ſo tempeſtuous, and his behaviour ſo inſolent, that Mr. Hyde found himſelf under the painful neceſſity of reprehending him. A rebuke which nevertheleſs appears to have had ſmall effect on the honourable member, who "in "great fury reproached the chairman for being "partial;" which, having regard to the confeſſion juſt made in a preciſely ſimilar caſe, I am diſpoſed to think that the chairman decidedly may have been. The honourable member who came ſo tempeſtuouſly on this occaſion between the witneſſes ("who were a "very rude kind of people") and Mr. Hyde's ſenſe of decorum, was Mr. Cromwell, lately returned for the town of Cambridge.

Encounters a tempeſtuous perſon.

Mr. Cromwell "in a "fury."

Sir Ralph Verney's *Notes.*

But a more reliable reporter than Mr. Hyde was at length found when the *Notes* of Sir Ralph Verney were diſcovered.* Among them

* Quoted originally by Serjeant Onſlow, and afterwards by Mr. Hallam, they were firſt publiſhed in detail by Mr. Bruce.

was one of a ſpeech by Hampden, in debate upon the propriety or otherwiſe of the Commons attending the upper Houſe to hear Strafford's counſel on the matter of law, which, on being made public by Serjeant Onſlow, was thought generally to have eſtabliſhed the fact that Hampden had ſeparated himſelf, as to the Attainder, from the friends with whom he uſually acted, and had been againſt proceeding by bill. Verney's words are theſe. "HAMPDEN. The bill now pending doth not "tie us to goe by bill. Our Councill hath "been heard; *ergo*, in juſtice, we muſt hear "his. Noe more prejudice to goe to hear "Councill to matter of law, than 'twas to "hear Councill to matter of fact." No doubt the implication ſeemed to be that Hampden would rather not have been tied to go by bill.

Reports debate on Strafford.

Speech by Hampden:

On the other hand it was to be remarked that the reſolution to which Verney's note relates, was upon a queſtion in no reſpect vital to the Bill of Attainder. Culpeper voted with St. John againſt it, Sir Benjamin Rudyard joining with Lord Digby for it; and Hampden, in voting as he is ſuppoſed to have done, would have ſeparated himſelf quite as much from the Hyde and Culpeper party as from the friends with whom he invariably acted. Nor was there really ſufficient ground for ſuppoſing that up to this point any grave diſpute or diſſenſion had ariſen in the lower Houſe upon the courſe to be purſued againſt Strafford. As yet he had few friends there: his hotteſt enemy, Lord Digby, not having yet become his friend. And it is entirely a

on queſtion not material to the Bill.

miſapprehenſion to argue as though the alternative were raiſed by the point to which Hampden ſpoke, either to hear Strafford's counſel at the bar, *or* to proceed with the bill; and for this plain reaſon, that both were ultimately done. Hampden's opinion and vote prevailed, and the Bill of Attainder nevertheleſs proceeded.

Attainder not in diſpute.

It appeared to me, for theſe reaſons, that nothing had been ſettled concluſively by Verney's note beyond the fact of his having deſired that Strafford's counſel ſhould be heard in the manner propoſed, with full ſanction of the Houſe: both becauſe it contained no opinion diſtinctly adverſe to the Attainder, and alſo becauſe, believing Pym to have originated that meaſure, I found it difficult to imagine that in a proceeding of ſuch importance Hampden could have ſeparated himſelf from the friend with whom, through the whole courſe of theſe eventful times, he certainly had no other known difference. I was, however, but partly right; and to the great hiſtorian whoſe loſs we all deplore, to Lord Macaulay alone, of all who have variouſly commented on Verney's note, muſt be given the praiſe of having conſtrued it, not indeed altogether correctly as to the ſpecial matter in debate, but, as to the general and more important queſtion of a deſire ſtill to ſtand on the Impeachment, with a ſingular correctneſs. "The opinion of Hampden," he had remarked, not permitting himſelf to be influenced, in the plain conſtruction of the words, by any conſideration of the courſe which Pym might have preferred to take, "as far as it

Hampden ſuppoſed favourable to it.

Correcter judgment by Macauley.

"can be collected from a very obſcure note *Eſſays*, i
"of one of his ſpeeches, ſeems to have been 467.
"that the proceeding by Bill was unneceſſary,
"and that it would be a better courſe to ob-
"tain judgment on the Impeachment." This, I ſhall proceed to ſhow, was exactly the opinion which Hampden had formed; and it is yet more ſtartling to add that in adopting it he was only following Pym's lead. Not to Macaulay, or to any one, had it occurred as within reaſonable probability, that Pym himſelf, upon the mere ground of policy, might alſo have oppoſed the Attainder. Such nevertheleſs was the fact. The evidence of D'Ewes is deciſive. It ſets at reſt, at once and for ever, ſuch perſonal ſtatements and charges connected with this great fact in hiſtory as have been variouſly diſputed and long conteſted by hiſtorians; and it apportions at laſt, with ſome degree of correctneſs, the reſponſibilities of blame and praiſe incurred by the men who abandoned the way of Impeachment they had themſelves originated, in order to proceed by Bill.

Line really taken by Hampden.

Evidence of D'Ewes.

Doubts ſet at reſt.

That mode of procedure, it ſeems, had been canvaſſed at the opening of the ſeſſion; and having been ſtrongly advocated by St. John, Glyn, and Maynard, a Bill of Attainder was actually prepared. But Pym and Hampden were ſo bent the other way, and ſo convinced that their proofs would eſtabliſh the charge of treaſon under the ſtatute of Edward, that the Impeachment went on. Nor in this belief did they ever waver for an inſtant. Up to the cloſe of the proceedings on the trial,

Procedure by Bill originally propoſed.

Pym and Hampden for Impeachment.

they had an invincible perſuaſion that in the ſeveral hearings before the upper Houſe both the facts and the law had been eſtabliſhed; and when the ſitting of the thirteenth day, Saturday the 10th of April, had cloſed abruptly in violent diſſatisfaction at a deciſion of the peers which allowed Strafford to reopen the evidence on other articles provided the demand of the Commons to give additional proofs of the twenty-third article were conceded, they returned to their houſe, not to throw up the Impeachment, but to prepare the heads of a conference with the Lords for ſettlement of ſuch matters of difference as had ariſen. But with them returned a more diſcontented ſection, numbering among its members not only ſuch men as Haſelrig and Henry Marten, Oliver St. John and Glyn, but alſo a group compriſed of Falkland, Culpeper, the Hothams, Tomkins (member for Weobly), and others, all of whom afterwards either openly embraced the cauſe of the King, or ſecretly conſpired to further it. And by theſe men it was that the project of proceeding by Bill, formerly laid aſide, was now ſuddenly revived and preſſed. "Divers," ſays D'Ewes, "ſpake "whether we ſhould proceed by way of Bill "of Attainder, or as we had begun; but "moſt inclined that we ſhould go by Bill." The principal opponents were Pym and Hampden.

Diſpute of the 10th April.

Diſſatisfaction with Lords.

Bill of Attainder revived.

Oppoſed by Pym and Hampden.

The additional evidence ſought to be given before the Lords, upon the twenty-third article, was that copy of the Notes taken at the Council Board by the elder Vane on the day

Elder Vane's

of the diſſolution of the Short Parliament, which had been abſtracted from his cabinet by the younger Vane, and by him given to Pym, who had founded the twenty-third article upon them. They were publicly read for the firſt time, after the tumultuous return of the Commons to their own houſe on that Saturday afternoon; and from them it appeared, not only that Strafford had given the King ſuch traitorous advice as the article in queſtion charged him with (that, having been denied ſupply by his Parliament, the Sovereign was abſolved and looſe from all rule of government, and that he had an army in Ireland which he might employ to reduce "this kingdom" to obedience), but that Laud and Lord Cottington alſo had taken part in the dangerous counſel. Amid the excitement conſequent thereon, the Bill of Attainder was produced; and the propoſal by which it was met on the part of thoſe who objected to its introduction, was, that a narrative of the circumſtances attending the diſcovery and production of Vane's important Notes of Council ſhould be drawn up and ſubmitted to the Lords at a conference; and that if, upon deliberation, the Lords decided not to receive it except upon condition of permitting the accuſed to reopen the evidence upon other articles, then that it ſhould be waived, and immediate ſteps taken to ſum up the caſe on both ſides, and demand judgment. Any other courſe, they argued, would involve not only the certainty of delay, but a ſtrong probability of diſagreement with the Houſe of Lords. So decided

Notes of Council.

Objection to their production.

Excitement thereon.

Conference with Lords propoſed.

was the feeling for the Bill, however, that for once theſe great leaders were outvoted, and it was introduced and read a firſt time; a ſuggeſtion of Hampden's, for reſuming at Monday's ſitting the preparation of heads for a conference with the upper Houſe, being at the ſame time aſſented to.

Pym and Hampden outvoted.

Sitting of the 12th April, 1641.

What occurred in the latter part of this Monday's ſitting (the early part was occupied by the ſpeeches of Pym and young Vane in reference to the Minutes of Council, and by the examination of the elder Vane's ſecretary as to their abſtraction from his cabinet), the reader who turns to the facſimile given at the opening of this volume may ſtudy from D'Ewes's blotted record, taken down while yet the ſitting went on, and while the men named in it were buſy talking and writing around him. He will probably, however, elect to avail himſelf of the labour I have already given to the taſk of decyphering it, and prefer to read it in the plain print ſubjoined. Nor, having ſo enabled him to underſtand the exiſting condition of D'Ewes's manuſcript, and the cauſes which will continue to keep it a ſealed book from all but the moſt determined ſtudent, ſhall I think it neceſſary to recur to the ſubject in the frequent further references I am about to make, and in which everything required to render my extracts intelligible will be ſilently ſupplied.

Reported in D'Ewes's MS.

Two pages in fac-ſimile.

The report now to be quoted is of the rougheſt kind, as will be obſerved; paſſing abruptly from one point to another without explanation, and leaving upon record things ſubſequently laid aſide. But its evidence is

Pym and Hampden acting together.

deciſive as to the perſonal matters for which alone it is here introduced; and never more can be raiſed the queſtion, ſo long and eagerly debated, of whether or not Hampden quitted Pym's ſide during the diſcuſſion of the Bill of Attainder, and temporarily joined with the party whom he afterwards very determinedly oppoſed. Upon this, as upon every other great incident of the time, the two friends held their courſe together, from firſt to laſt. It muſt be kept ever in view, however, that they did not oppoſe the introduction of the Bill of Attainder as having any doubt either of Straf-ford's guilt, or of the ſufficiency of the proofs againſt him. They oppoſed it for the expreſs reaſon that they held the proofs already placed before the Lords *to be* ſufficient; and their ſubſequent aſſent to it, when the majority finally determined on that courſe, involved no inconſiſtency.

Why they oppoſed Attainder.

Pym ſuggeſts conference.

"Mr. Pymme ſhewed that the Committee "appointed for the managing of the evidence "agſt the Earle of Strafford had prepared cer-"taine heads for a conference with the Lords.

"Mr. Maynard begann where Mr. Pymme "ended & furth [further] ſhewed that wee "were to deſire a conference.

Maynard recites points for ſettlement.

"1. A Narrative of the evidence concerning "the triall againſt the Earle of Strafford, "for which evidence wee had two mem-"bers of the houſe readie to bee depoſed "& for wch the Committee advized with "the houſe & intended to have pre-"ſented the ſame to their Lor^pps^ on "Saturday laſt.

Houſe will make ſacrifices to prevent delay.

" 2. The houſe having taken conſideration " thereof doe conceive it verie materiall: " yet in regard of the danger & diſtrac- " tion of the kingdome being verie great " & will admit noe delay, they are re- " ſolved to come to a generall replie & " to waive the ſaied evidence, if the " Lords ſhall not permitt it to bee " examined unleſſe the Earle of Straf- " ford [have] libertie to examine wit- " neſſes to other Articles; wch the houſe " doth doe to avoid delay, which is now " of extreame dangerous conſequence.

Others guilty with Strafford.

" 3. Others confederated. Archb^p^ & Lord " Cottington are diſcovered: when mo- " tion to bring in Iriſh armie was made " by Earle of Strafford: by this paper " will appeare, if their Lor^pps^ will have " the paper read."

At this point, as will be ſeen in the ſac-ſimile, D'Ewes puts a note in the margin, reſpecting that third head of the propoſed conference to which the preceding not very clear ſentences, and the two following not much more luminous paragraphs, relate.

Their guilt not to be inſiſted on.

" This 3d head thus penned was rejected, " and a new one brought in.

" Deſire the L^ds^ to joine with us to prevent " danger: which might enſue upon ſuch coun- " ſels.

" Thoſe Councellors removed.

The Notes of Council.

" 3. That upon occaſion of diſcoverie of " this evidence a paper was read in the " houſe by wch it appeared that at the " ſame time when the Earle of Strafford

" gave that dangerous counſell of bring- Laud and
" ing in the Iriſh armie into England Cotting-
" others were preſent, deciphered by ton involved.
" theſe letters Arch. & L. Cott. whome
" wee conceive Lord Arch. & L. Cott.
" verie full of pernicious counſell to the
" King & ſlanders to the Commons
" houſe aſſembled in the laſt Parliament.

" Mr. Hotham moved to have the bill of Hotham
" the Earle of Strafford's attainder read. for At-
tainder.

" Mr. Pymme would not have the bill read,
" but to goe the other way: becauſe this is
" the ſafer, to ſhew that wee & the Lords are Pym
" reconciled & nôt ſundred: & ſoe we ſhall againſt.
" proceed the more ſpeedilie by demanding
" judgment.

" Mr. Maynard one way doth not croſſe
" another, but wee may goe by bill of attain-
" der if wee will, or by demanding judgment: Maynard
" wch wee may beſt reſolve upon when wee ſee for.
" the end of the triall.

" Sir Benjamin Rudier [Rudyard] ſhewed
" the great treaſon of the Earle of Strafford,
" & yet ſaied that one full third parte of the Rudyard
" evidence was not heard, & that divers of doubtful.
" the Lords who weere preſent at the open-
" ing thereof weere not ſatisfied that it was
" treaſon."

So ends the firſt page of the facſimile. On the reverſe page the debate is continued, the firſt two ſpeakers being men notorious afterwards for their royaliſt ſervices, and the third being D'Ewes himſelf.

" Mr. Tomkins for bill of attainder to bee Tomkins
" read, for it is the old way. for.

Culpeper for. " Sir John Culpepper not to lay bill aſide: " the ſafeſt & the ſpeedieſt way to proceede by " bill: yet for the conference now.

D'Ewes againſt. " I ſaied that I was verie gladd of the motion " for a conference. Neceſſitie to complie with " L^s^ [Lords] for timor bonorum ſpes malorum " & the diſtraction now ſoe great in the king- " dome as it threatens much hazard. Firſt " to demand Judgment the moſt ancient way " in evident caſes: Bill, when men dead, or " fledd, or caſes difficult. This the ſhorte

Urges judgment on Impeachment. " way. For nothing now but to demand " judgment. A bill will be long in paſſing; " & all delaies incident to that as to this. " For the ſumming upp, a narrative may bee " omitted or proceeded in. This the ſafe " way. B^pps^ in bill ought to have voices. " Divers ſaied No. But I tolde them that " I ſpake not by rote or tradition but what I " knew. That I had this morning been " ſearching in the office of the clark of the " Lordes houſe touching the bill of attainder " of Sir Thomas Seymour Lord Sudeley, as in " paper pinned.*

Explanation aſked from old Vane. " Divers moved that Mr. Treaſurour might " explaine himſelfe, whome hee meant by " L. Cott. whether hee did not meane Lord " Cottington.

Refuſed. " Mr. Treaſurour [Vane] denied to make " any other or further explanation till he had " well advized therupon, though wee ſent him " to the Tower.

* All that remains now of that "paper pinned," however, is the ſpace it once occupied. The page ſimply proceeds and cloſes as in the text.

" Mr. Glynne ſhewed reaſon, why the com- Glyn
" mittee named the Lord Cottington becauſe explains.
" [he] had ſworne hee was there.

" Mr. Martin [Henry Marten] ſpake to Marten
" have bill of attainder read againe and to for At-
" proceede that way. tainder.

" Mr. Hamden anſwered him & moved
" the meſſage might goe upp ſpeedilie.

" Mr. Hamden ſent with the meſſage about Hampden
" 12 of the clocke, but the Lords weere againſt.
" riſen.

" Being returned wee fell into debate to
" vote the heads for the conference.

" Upon the firſt head before ſett downe Vane and
" being read and debated, Mr. Treaſurour his Son.
" upon ſome motions, was twice drawen to
" declare concerning the ſaied paper found by
" his ſonne, that hee firſt moved his Matie that
" hee might burne it, & ſoe he commanded
" him to doe it: & ſecondly, that hee was not
" poſſiblie able to ſpeake further to it, till hee
" had conſidered deliberatelie of it."

Of the men who, on that 12th of April, thus ſupported the Attainder, Hotham was afterwards executed for betraying the truſt repoſed in him by the Houſe, Tomkins was expelled for ſimilar bad faith, and Culpeper entered into the ſervice of the King. Glyn and Maynard ſeem not to have committed themſelves on that day, but in the ſubſequent debates they proved to be as eager for the Attainder as St. John himſelf; though both lived to take part at the Reſtoration, to their eternal infamy, in bringing to the ſcaffold men ſuch as Henry Vane, whoſe

Subſequent courſe of ſupporters of Attainder.

Conduct of Glyn and Maynard.

Line taken by Falkland:

only crime was to have borne a ſhare, not more marked than their own, in theſe tranſactions. Of Falkland, in relation to the Attainder, it is needleſs to ſpeak. Such was what Clarendon calls his ſharpneſs of tone upon this ſubject altogether, "ſo contrary," he adds, "to his natural gentleneſs and temper," that his friend ſays thoſe who knew him but imperfectly were wont to account for it by recalling the memory of ſome unkindneſſes, not without a mixture of injuſtice, from Strafford to his father;* while Clarendon himſelf, with the uſual diſingenuouſneſs, attributes it to his having been "miſled by the authority of thoſe "who, he believed, underſtood the laws per-"fectly." If this indeed had been the fact, it is a pity that ſo accompliſhed a lawyer as Mr. Hyde was already become did not take the neceſſary pains to enlighten ſo intimate a friend, gone aſtray on a matter of ſuch great importance; but ſtill more is it to be regretted that very conſiderable grounds ſhould exiſt for believing that they actually went aſtray reſpecting it in each other's company. For if it be alſo true, as in his hiſtory he diſtinctly informs us, that upon no queſtion had they ever had a ſingle difference,† or given votes

excuſed by Clarendon.

What excuſe for Mr. Hyde?

Strafford's contempt for old Falkland.

* Strafford had undoubtedly a great contempt for the elder Falkland, his predeceſſor in the Government of Ireland; and when the King referred to the new Lord Deputy ſundry applications from Falkland for favours to be beſtowed on relatives or connections of his own, Strafford always reſolutely ſet his face againſt them. See *Letters and Diſpatches*, paſſim.

† This is repeatedly ſaid or implied in what is remarked of Falkland throughout the hiſtory, and when it occurs to the hiſtorian to deſcribe the diſagreement between himſelf and Falkland on the debate of the bill for taking away the

oppoſed to each other, until the day when, after Strafford's execution, the bill for taking away the biſhops' votes was firſt debated, the inference is irreſiſtible that Hyde, who aſſuredly did not at any time vote againſt, muſt have voted *for*, the Attainder. Certainly what he ſays reſpecting it in his book is an entire falſification of the facts, and could only have been written under the perſuaſion that the eraſure from the journals of both Houſes, at the Reſtoration, of every trace of the proceedings connected with it, had equally obliterated them alſo from the recollections of men. He might have ſhrunk from ſuch confident miſſtatement, if any viſion of D'Ewes's Notes had preſented itſelf, as likely ever to riſe again.

Takes ſame line as Falkland.

Too much faith in ſhort memories.

So clear and ſtraightforward, on the other hand, was the courſe taken by Pym and Hampden, that even by their ſubſequent adoption of the Attainder not a ſhadow of inconſiſtency was thrown on their previous reſiſtance. They reſiſted it, becauſe, believing

Pym and Hampden conſiſtent throughout.

biſhops' votes, brought forward after Strafford's execution, he expreſſly notes it as memorable that there aroſe in this debate, "*between two perſons who had never been known to differ in* "*the houſe*," a difference of opinion (i. 412). Now nothing is ſo certain as that Falkland ſtrenuouſly, by votes and ſpeeches, ſupported the Attainder in every ſtage; and it is utterly impoſſible that Hyde could have made the remark juſt quoted, which was written two years after his friend's death, with anything ſo recent and ſo marked in his memory as a difference on the Attainder muſt have been. The friends ſat, too, as they voted, together. "The Lord Falkland "always ſat next Mr. Hyde, which was ſo much taken notice "of, that if they came not into the Houſe together, as "uſually they did, everybody left the place for him that was "abſent" (i. 413).

Hyde and Falkland's agreement.

Sitting as well as voting together.

Their belief in Strafford's guilt.

the guilt of Strafford to have been proved, they continued to have faith in the Impeachment; and afterwards they adopted it, becauſe, the Houſe having finally determined againſt the Impeachment, the ſame conviction as to Strafford's guilt left them only that alternative. Until the very laſt, however, they clung to the Impeachment, and to the obligations it had impoſed. St. John, Glyn, and Maynard, as ſoon as the bill was introduced, would have made it the pretext for reſiſting what had previouſly been reſolved as to hearing counſel for Strafford before the Lords upon the matter of law; and this point was ſtrenuouſly debated for two days. It was in relation to it that the ſpeech was ſpoken by Hampden of which Sir Ralph Verney kept the note. Both Falkland and Culpeper, as well as St. John, Maynard, and Glyn, inſiſted ſtrongly that it would compromiſe both the dignity and the power of the Commons, if, at a time when they propoſed to make themſelves judges in the caſe, they conſented to hear or reply to counſel anywhere but at their own bar; and Culpeper went ſo far as to aſſert his belief, that, by attending ſo to hear and reply before the Lords, they would imperil their right to aſſume ſubſequent legiſlative action in the matter. But Pym and Hampden were not to be moved from the ground on which they ſtood reſolutely as to this part of the caſe. Why ſhould not the lawyers of the Houſe, ſuggeſted Hampden in reply to Culpeper, ſpeak to the points of law before the bar of the Lords, and then come back to their ſeats among the members of their

Queſtion raiſed whether to hear his counſel?

Reſiſted by Falkland and Culpeper.

Supported by Hampden and Pym.

own Houſe, and afterwards ſpeak again at the Lords' bar if neceſſary? To which Maynard ſomewhat hotly replied, that he ſhould hold ſuch a running up and down from one place to another to be nothing leſs than a diſhonour to the Commons. The word called up Pym, who appears to have made one of his moſt effective appeals. He ſubmitted to the Houſe that the queſtion before it, of hearing and replying to Strafford's counſel before the Lords, did not bind them either to continue, or to abandon, the proceeding by bill. That might hereafter be ſettled, according to the wiſdom and pleaſure of the Houſe; but what they had now to conſider was the queſtion, really involving honour, whether the pledge was to be kept or to be broken, which, at the time when their counſel firſt roſe before the Lords to ſpeak againſt Strafford, they then undoubtedly gave that Strafford's counſel ſhould be heard in his behalf before the ſame tribunal. "If," continued Pym, according to the report in D'Ewes's manuſcript of this remarkable ſpeech, "if we did not go this way to have it heard "publickly in matter of law as well as it had "been heard for matter of fact, we ſhould "much diſhonour ourſelves, and hazard our "own ſafeguards."

Speech of Maynard againſt.

Pym in reply.

Advocates Strafford's claim to hearing.

To this appeal the Houſe yielded, and the ſame ſpirit which ſuggeſted it prevailed in the ſubſequent proceedings. It was upon Pym's motion, when the Impeachment was finally abandoned, that all its moſt material articles were imported into the Bill; that the facts, under each article, were voted ſeparately; and

His appeal ſucceſsful.

His ſuggeſtions as to Attainder.

that, before the third reading paſſed to a queſtion, the Houſe firſt heard the "Gentlemen "of the long robe" argue at great length the ſeveral points of law, and then proceeded judicially to vote upon them. It would tax a greater ingenuity, I think, than that of the privy councillor and county member to whom reference has been made, to diſcover in all this anything of Barrère or Fouquier Tinville. It is a ſchool of compariſon, however, to which recourſe is ever readily found by unreaſoning aſſailants of the parliamentary leaders; and Mr. Bankes has not ſcrupled to declare that "while the Engliſh are thought "to be leſs ſanguinary in their days of political "frenzy than the French, undoubtedly the "hiſtory of London in 1641 bears very many "points of ſimilarity with the hiſtory of Paris "from the year 1791 to 1793." Not the leſs is it to be ſaid, of all ſuch attempts at parallel, that they are ſimply and utterly falſe. For a moment to ſet up the aſſertion that the hiſtory of London, during the year when the Commons impeached and beheaded the moſt capable miniſter of the King, and the King made a ſimilar but leſs ſucceſsful attempt againſt the moſt capable members of the Commons, bears even any points of ſimilarity with the hiſtory of Paris at the time when its guillotine reeked with the execution of its harmleſs inoffenſive King and its poor fallen Queen, while women and men were taken daily by waggon loads to death, and while the ſwollen gutters of the wicked city foamed over into the Seine with the beſt blood of

Engliſh compared to French Revolution.

Folly and falſehood of compariſon.

France, is to inſult the ſenſe of the reader to whom ſuch folly is addreſſed. Happily, few are now found to repeat it. It belongs to a hardihood of aſſertion that has long been paſſed away, to compare the frenzied wretches who bore aloft the mangled body of the Princeſſe de Lamballe with the calm ſelf-reſolute men who kept the ſword quietly ſheathed till it flaſhed out at Edgehill and Marſton Moor. Obſolete views.

It is now for the moſt part the declared belief of every writer who has ſhown himſelf familiar with this period of Engliſh hiſtory, that with anything approaching to its temper under wrong, its patience in long ſuffering before the ſword was drawn, its moderation in victory when the ſword was finally ſheathed, no ſimilar movement in the world was ever begun and carried to its cloſe. Opinions of the better informed.

Upon this earlier portion of the ſtory of our civil wars, indeed, nearly all intelligent inquirers might be thought to have laid aſide their differences long ago. From whatever oppoſite points of view, the faireſt judgments have been able of late years to arrive at ſubſtantially the ſame concluſion, on this firſt ſtage of the conflict; and, up to the Arreſt of the Five Members at leaſt, to agree that a power to diſcriminate between good and bad faith is really all the inveſtigation requires. That the Long Parliament had no deſire permanently to ſtrip the Crown of any of its eſſential prerogatives, and did abſolutely nothing, before the ſword was drawn, which was not juſtified by the King's perſonal character, or of which the ſufficient reaſon is not diſcern- Agreement up to Arreſt of Five Members. Parliament's juſtification.

ible in a neceſſary abſence of all belief or truſt in his promiſes, is an opinion which the moſt uncompromiſing high-church reaſoners have not been aſhamed to adopt from the late Mr. Coleridge; and it was the ſcrupulous regard for truth and right by which the ſtruggle was ſo characteriſed at its beginning, that imparted to it mainly what bore it in ſuch honour and credit to its end. We have alſo to remember that much more of the real wealth of the kingdom was committed on behalf of the Parliament than at any time remained with the King, and that this alone would have rendered it impoſſible that *ſanſculottiſm* ſhould have got the upper hand amongſt us. Some lives were ſternly exacted, becauſe held to have been neceſſarily forfeited; but no blood was ruthleſſly or cauſeleſſly ſpilt upon the ſcaffold. No monſtrous or unnational innovations diſgraced the progreſs, and no infamous proſcriptions marked the termination, of the war. The palaces of England ſtood throughout as unrifled as its cottages; and, except where fortified reſiſtance had been offered, the manſions and manor-houſes remained as of old, through the length and breadth of the land. While the conflict continued, no ſervile paſſions inflamed or diſgraced it; and when all was over, the vanquiſhed ſat down with the victors in their common country, and no man's property was unjuſtly taken from him.

General character of the ſtruggle.

More wealth with the Commons than with the King.

No terroriſm.

For theſe reaſons it is that the various incidents and characters in the civil wars of the ſeventeenth century continue to be regarded with a living and active ſympathy. Other

Origin of the intereſt

events, hardly leſs momentous at the time of their occurrence, have left but a local and partial ſtamp upon our annals; while even yet the intereſt of theſe is national and univerſal. They do not concern particular neighbourhoods only, but addreſs themſelves ſtill to every family and fireſide in the kingdom; for under Heaven we owe it mainly to them that all Engliſh homes are now protected and ſecure. The reſult has anſwered to their origin. They began in no ſordid encounter of ſelfiſhneſs or faction, they involved no vulgar diſputes of family or territory, and perſonal enmities formed no neceſſary part of them. They were a war, as one of their leaders ſaid, without an enemy. In the principles they put to iſſue, we continue ourſelves to be not leſs intereſted than were our forefathers; and hardly a queſtion of government has ariſen ſince, affecting human liberty or the national welfare, which has not included a reference to this great conflict, and ſome appeal to the precedents it eſtabliſhed. Nothing can be unimportant that relates to it, therefore, nor any ſervice ſmall that may explain the motives of its leaders; and it is well that the record by D'Ewes, to which we are about to be ſo largely indebted, ſhould have enabled us firſt to diſcern clearly the courſe they took upon the greateſt queſtion that aroſe before the war began.

Still inſpired by the war.

A war without an enemy.

D'Ewes as to acts and motives.

One word as to Strafford himſelf may be added at this outſet of my narrative. Believing that juſtice remained with the Parliament, I think not the leſs that high and noble qualities were engaged on the ſide of the King; and

Strafford.

Greateſt man on

the King's ſide. beyond all queſtion they found their moſt conſpicuous example, as, but for the event I have been deſcribing, they would have found their moſt formidable development, in Strafford. His Iriſh adminiſtration is the ſignal proof that in ſome of the nobleſt qualities of ſtatesmanſhip, and eminently in the ſupreme art of turning the reſources of a country to profitable account, he ſtood alone in his age. But what ſhould have been to ſuch a man the higheſt object of ambition, he unhappily miſſed altogether; and, tried as it was in moſt advantageous circumſtances in Ireland, and backed as it was by his own conſummate power, his whole ſyſtem of government broke down. It could not have ſuſtained itſelf, indeed, without overthrowing the public liberties, becauſe it was an attempt to eſtabliſh the royal prerogative above them. Nevertheleſs it alſo included much that had no unpopular aſpect, for it was the deſign of a man of courage and genius. He would have cleared the land, by foul means or fair, of the native poſſeſſors; he would have rooted out the idle, improvident, beggarly proprietor; and he would have planted everywhere Engliſh wealth and Engliſh enterpriſe. It is remarkable that a ſcheme which in its final development brought its author to well-merited ruin, ſhould yet have involved ſo much that, in other hands, and with other ultimate aims, might have ſaved and regenerated Ireland. Every petty oligarchy would have been reduced by it to ſubjection before the monarchy, and it would have ſtruck down all the tyrannies but

Where his ſtateſmanſhip ſucceeded.

Where it failed.

His ſyſtem in Ireland.

its own. The mere forms of parliament would univerſally have been retained and reſpected by Strafford, becauſe he knew that deſpotiſm has no ſuch efficient ally as parliaments deprived of parliamentary power. While he made the Iriſh Cuſtoms more profitable by four times their annual amount, he would ſo have employed this enormous increaſe as again and again to multiply itſelf, through enlarged reſources of commerce and trade. While he eſtabliſhed vaſt monopolies for the Crown, he would have aboliſhed private monopolies that had ſimply gorged its ſervants. And in the very act of impoſing taxes arbitrarily, and levying them by military force, he fell with ſo heavy a hand on wrongdoers of high rank, as made the oppreſſed commonalty grudge leſs what they, too, had to endure. But here lay the danger that proved fatal to him. He created numerous enemies whoſe power he deſpiſed, and he failed to ſecure the ſingle friend whoſe conſtancy and courage might have baffled them. Strafford's Iriſh adminiſtration had no ſuch dire foe as the monarch whom it was meant to ſave. Charles intrigued againſt it himſelf, and favoured all the intrigues of others. Even the ſervices it rendered to him were hateful for their connection with the reſtraints it would have impoſed upon him. It became thus of the very eſſence of Strafford's deſign, comprehenſive as it was, that the good it might have wrought ſhould periſh by the evil it could not but inflict. The ſword he had provided for ſafety turned and broke in his hand. A too vaſt ambition, joined with a too

The good implied in it.

The danger that proved fatal.

Bad faith of the King.

narrow aim, deſtroyed him. And his Iriſh adminiſtration is now chiefly memorable, not for the revenues and reſources it ſo largely developed and his maſter as miſerably waſted; not for the linen trade it eſtabliſhed, which ſtruck root and has ſaved the land; but becauſe it has ſhown, by one of the greateſt examples on record, of what ſmall account is the ſtateſmanſhip moſt ſucceſsful in providing for material wants, which yet refuſes to recogniſe the moral neceſſities of the people it aſſumes to govern.

Moral of Strafford's government.

§ v. Reaction after Strafford's Death.

Parties altered after Strafford's death.

The altered poſition of parties after Strafford's death was firſt publicly fixed and declared by the Grand Remonſtrance. The Debates reſpecting it are the commencement of the ſtruggle which divided into two hoſtile camps the very party heretofore impregnable in their unity and ſtrength, and which directly brought on the war. It is natural, therefore, that the author of the *Hiſtory of the Rebellion* ſhould nowhere affect more particularity of detail than in deſcribing the various incidents and circumſtances of the diſcuſſion relating to it. It was, indeed, to the party of which he then firſt aſſumed the lead in the Houſe, as to their opponents, the critical moment of their career. It was, to both, the turning point of all they had done heretofore, or might hope to do hereafter. Falkland told his friend Hyde, that, as he and Cromwell left

Remonſtrance a freſh ſtarting-point.

What Cromwell

the houſe together immediately after the laſt diviſion, the member for Cambridge ſaid to him, that, if it had gone againſt them in that vote, he and many other honeſt men he knew would have ſold all they had the next morning, and never have ſeen England more; and, without too readily accepting this anecdote, or thinking "the poor kingdom," as Mr. Hyde phraſes it, to have been half ſo near to its deliverance in that particular as he affects to believe, it would be impoſſible to overſtate the gravity, to both parties, of the iſſue depending on the vote which had juſt been taken.

ſaid to Falkland.

Alleged narrow eſcape for Charles.

Immediately after the execution of Strafford, which Hyde and his aſſociates, as we have thus ſeen, helped more largely than any other ſection of the Houſe to accompliſh, they began ſteadily and ſecretly to employ every artifice, and all the advantages which their poſition in the Commons gave them, to bring about a reaction favourable to the King. The one formidable obſtacle had been removed, by Strafford's death, to their own entry into Charles's counſels; and without further guarantees for the ſecurity of any one conceſſion they had wreſted from the Crown, they were prepared to halt where they ſtood, or even (as in the caſe of the Epiſcopacy Bill) to recede from ground they had taken up.* Nor was

Hyde's new policy.

Reaction for the King.

* Richard Baxter (*Reliq. Baxt.* 19) has attributed "the "firſt breach among themſelves" to the deſire on the part of "Lord Falkland, the Lord Digby, and divers other able "men," to gratify the King "by ſparing Strafford's life." But Baxter wrote long after the event, and was very imperfectly informed. Neither Falkland nor Hyde had at any time a friendly feeling to Lord Digby, and though a difference

Miſtake of Richard Baxter.

it to be doubted that the plan had ſome chances of ſucceſs, in the particular time when it was tried. From the moment the Impeachment was carried againſt Strafford, thoſe old relative poſitions of King and Houſe of Commons, which in the memory of living men, had exiſted as if unchangeably, were ſuddenly reverſed. There was not a Parliament in the preceding reign that James had not lectured, as a ſchoolmaſter his refractory pupils; nor any in the exiſting reign that Charles had not bullied, as a tyrant his refractory ſlaves. But this was gone. The King was now, to all appearance, the weaker party, and the Houſe of Commons was the ſtronger; and how readily ſympathy is attracted to thoſe who are weak, however much in the wrong, and how apt to fall away from the ſtrong, however clearly in the right, it does not need to ſay. The popular leaders became conſcious of daily defections from their ranks; the Houſe of Lords unexpectedly deſerted them, on queſtions in which they had embarked in uniſon; the Army was entirely unſafe; and opinions began to be buſily put about, that enough had

Chances of ſucceſs.

Old poſitions reverſed.

Daily defections from Popular ranks.

no doubt aroſe as to the Bill of Attainder, the principal ſeceders who went with Digby on that queſtion were lawyers, ſuch as Selden, Holborne, and Bridgman, who went with him on no other; and undoubtedly the men who took afterwards the lead in forming a king's party, ſuch as Falkland and Culpeper (whom Selden refuſed to join), had taken the lead in promoting the Bill of Attainder. The evidence adduced in the preceding ſection ſhows that when the liberal leaders, who to this hour are ſuppoſed to have originated and moſt hotly urged forward the Bill, were in reality oppoſing it, and bent only on continuing and cloſing by way of Impeachment, Culpeper and Falkland ſtrenuouſly advocated the procedure by Bill.

Only lawyers ſeceded on the Attainder.

been conceded by the King, and that the demand for more would be ungenerous.

Never had a great cauſe been in peril more extreme. For moſt thoroughly was the character of their adverſary known to its chiefs, and that not a ſingle meaſure of redreſs had been extorted from him which was not yielded in the ſecret hope of finding early occaſion to reclaim it. It was notorious that Charles the Firſt entertained a belief of the invalidity of the moſt important of the meaſures already paſſed by the Long Parliament, on the ground that his own aſſent, having been given by compulſion, was *ipſo facto* void. His Attorney-General had encouraged him in this notion;* and Hyde himſelf cannot help condemning the facility with which he aſſented to acts requiring grave deliberation, in reliance on this dangerous opinion that the violence and force uſed in procuring them rendered them abſolutely invalid and void. This, ſays Hyde,† made the confirmation leſs conſidered, as not being of ſtrength to make that act good which was in itſelf null. One of thoſe great acts indeed could not ſo be dealt with. Strafford could not be raiſed from the dead, and therefore only had the conceſſion in his caſe been obtained with greater difficulty than in the reſt. Now, everything promiſed fairly for a reſumption of all elſe. The Army had been widely tampered with; to ſave the biſhops and their biſhopricks, the Univerſities were moving

Character of the King.

His view as to invalidity of Statutes.

Aſſenting with purpoſe to revoke.

Hyde's complaint.

Sources of danger to Parliament.

* Clarendon: *Life and Continuation*, i. 206-211.
† *Hiſt.* ii. 252.

heaven and earth;* reliance could no longer be placed upon the Lords; concurrently with many ſigns of treachery among the Commons themſelves, in which Mr. Edward Hyde notably took part, were ſeen evidences elſewhere dangerous of the return of an unreaſoning confidence in the King; even in the City, the ſtronghold of liberal councils,* a prominent royaliſt had been able to carry his election as lord mayor; and the patriots could not hope that their power, or their opportunities, would ſurvive any real abatement of zeal or enthuſiaſm in the people. It is more wearing to the patience to wait for the redreſs that is really near, than for what is wholly uncertain and remote; and thoſe who had bravely and ſilently endured the wrongs of fifteen years without a parliament, were ready to reſent a delay of half as many months in the reliefs which parliament had promiſed them.† What Charles gained by

Signs of wavering.

Abatement of popular enthuſiaſm.

The clergy and univerſities.

* "Biſhops had been much lifted at," ſays May (lib. i. cap. ix), "though not yet taken away, whereby a great party "whoſe livelihood and fortunes depended on them, and far "more whoſe hopes of preferment looked that way (moſt of "the Clergy, and both the Univerſities), began to be daily "more diſaffected to the Parliament; complaining that all "rewards of learning would be taken away. Which wrought "deeply in the hearts of the young and moſt ambitious of "that coat."

Fickleneſs of the people.

† This point is admirably touched by the hiſtorian May. "Some are taken off" (weaned from Parliament, he means) "by time and their own inconſtancy, when they have looked "for quicker redreſs of grievances than the great concurrence "of ſo many weighty buſineſſes can poſſibly admit in a long "diſcontinued and reforming Parliament, how induſtrious "ſoever they be, diſtracted with ſo great a variety. Thoſe "people, after ſome time ſpent, grew weary again of what "before they had ſo long wiſhed to ſee; not conſidering that

ſecrecy, the popular leaders loſt. It was impoſſible that they ſhould make public all the reaſons and motives for their proceedings, while yet ſuch enforced concealment on their part told ſtrongly to the advantage of the King. If ever warning for future guidance were needed, the time for it was now come; and there was nevertheleſs no way, conſiſtent with ſafety, of ſhowing the people in whoſe cauſe they were labouring, the preſent perils and pitfalls that beſet them, without turning frankly and boldly to the leſſons of the paſt. With even ſo much ſemblance of amended adminiſtration, and ſuch pretences of half popular meaſures, as the ingenuity of Hyde could furniſh (if Charles could be brought to concede only ſo much), there was yet the means, in the abſence of that indiſpenſable warning againſt repoſing confidence in the ſovereign, of ſtriking a heavy blow for recovery of the old prerogative. Nor were nearer dangers wanting. Pym's life had been aimed at repeatedly; and more than one attempt had been tried to overawe deliberation by the diſplay of force.

Charles's advantages.

A warning needed.

Threatenings of force.

"a prince, if he be averſe from ſuch a Parliament, can find "power enough to retard their proceedings, and keep off for "a long time the cure of the State. When that happens, "the people, tired with expectation of ſuch a cure, do uſually "by degrees forget the ſharpneſs of thoſe diſeaſes which before "required it; or elſe—in the redreſſing of ſo many and long "diſorders, and to ſecure them for the future, there being for "the moſt part a neceſſity of laying heavy taxes, and draining "of much money from the people—they grow extremely "ſenſible of that preſent ſmart; feeling more pain by the "cure, for a time, than they did by the lingering diſeaſe "before; and not conſidering that the cauſes of all which "they now endure were precedent, and their preſent ſuffering "is for their future ſecurity." Lib. i. cap. ix. 115.

Impatience of waiting.

Cure more painful than diſeaſe.

Freedom or deſpotiſm?

Something was in peril beyond the abſtract freedom of parliament or debate; nor was it more to ſecure the permanence of proviſions already achieved for the public liberty, than to guard againſt ſudden ſubſtitution of a naked deſpotiſm, that the parliamentary chiefs were now called to aſſert and defend their poſition, or to abandon it for ever.

Reſolution to appeal to the People.

They were not men to heſitate, and they reſolved upon an Appeal to the People in a more direct form than had ever yet been attempted. Within a week after the Houſe firſt met in November, a committee had been moved for by Lord Digby, in a moſt paſſionate ſpeech, to "draw up ſuch a Remonſtrance "to the King as ſhould be a faithful and "lively repreſentation of the deplorable ſtate "of the kingdom, and ſuch as might diſcover "the pernicious authors of it;" and the propoſal had been adopted in a modified and more moderate form, wherein it will be found on the Journals (ii. 25), of "ſome ſuch way "of Declaration as may be a faithful repre-"ſentation *to this Houſe* of the eſtate of the "kingdom;" all the leading men of the houſe being members of the committee, and Lord Digby its chairman. This deſign, ſuperſeded for the time by matters of more preſſing moment, and whoſe originator had in the interval become the hotteſt partizan of the King, was revived in the ſummer. Charles received warning of it before he departed for Scotland, on that miſſion which has ſince been ſhown to have had no object ſo eagerly deſired as to gather ſuppoſed proofs on which to build

Origin of the "Remonſtrance."

Firſt moved by Lord Digby.

The King receives warning:

a charge of treaſon againſt Pym and Hampden, and ſuch acceſſions from the undiſbanded Scotch army to the conſpirators of the army of the North as to render ſafe the proſecution of ſuch a charge. Biſhop Williams, for purpoſes of his own, had intercourſe with a ſervant of Pym's, and did not ſcruple to tell the King how that he had learned, from this worthy, what had been going on in his maſter's houſe. Some of the Commons were preparing a Declaration to make the actions of his Majeſty's government odious, and he had better try to conciliate them before he went. The King was as ready to accept the ſuggeſtion as the wily prelate to offer it, and negotiations were opened for a revival of the ſcheme of giving office to the leaders of the popular party, ſet on foot a few months before. What had then for its object to ſave Strafford's life was now deſigned to ſave the King, by giving him time to ruin the very men he was meanwhile to invite to ſerve him.

on eve of journey to Scotland.

Biſhop Williams adviſes conciliation.

King conſents.

The continued hoſtility of Pym and Hampden to the Scottiſh viſit, and their calm determination to bring forward the Remonſtrance, baffled the plan. There can be no doubt that for a time the Court party believed their opponents to be on the point of taking office. The rumour firſt went that Hampden was to be Secretary of State. Then it was announced, with more confidence, and by no leſs a perſon than Mr. Nicholas, ſo ſoon himſelf to aſſume that high office and who meanwhile was exerciſing its functions, that the ſeals were to be taken by Denzil Hollis, that Hampden was

Scheme baffled.

Intended diſtribution of offices.

Friday, 30th of July:

to be Chancellor of the Duchy, that Lord Say and Seale was to be Lord Treaſurer, and, as in all the previous propoſed arrangements, that Pym was to be Chancellor of the Exchequer. The date of the letter in which ſuch intended diſtribution of the offices is mentioned by Nicholas is the 29th of July; and on the day following, an Under Secretary in his department writes to a friend that Mr. Treaſurer has warned him to be in readineſs for the expected change.* Nevertheleſs it came to nothing. Within the next ſeven days, the differences between the King and the leaders of the majority in the Houſe had deepened; in the teeth of all their repreſentations, inſtant departure for Scotland was perſiſted in, and the propoſition for a viceroy during the royal abſence overruled; and on the firſt Saturday in Auguſt a portion of the King's retinue had already ſet forth upon the journey, while the Houſe were ſtill in the midſt of a confuſed debate which laſted till nearly midnight, and in the courſe of which had been brought forward the ſubject of "A REMONSTRANCE to be made, how "wee found the Kingdome and the Church, "and how the ſtate of it now ſtands."†

New Miniſtry expected.

Saturday, 7th Aug:

Remonſtrance formally brought forward.

* I have printed theſe various letters, from MSS. in the State Paper Office, in my *Arreſt of the Five Members*, § v.

† I quote Sir Ralph Verney's *Notes of the Long Parliament* (p. 113): Saturday, 7th Auguſt, 1641. It occurs after alluſion to the fact of an extraordinary ſitting of the Houſe having been appointed for the following (Sunday) morning, and after mention made of an order taken for a "peremptory" call of the Houſe on the next Wedneſday "in regard of the great "and weighty affaires that import the ſaifty of the kingdome." All theſe are indications of the great apprehenſion prevailing at the moment as to the King's obſtinate perſiſtence in going to Scotland. And on this Saturday, as I remark in the text,

Excitement as to Scotch journey.

All the pains and labour of the intriguing Biſhop, therefore, might clearly have been ſpared. He needed not to have bribed Mr. Pym's ſervant, nor was it neceſſary to have ſet on his maſter to bribe Mr. Pym himſelf. The Declaration, or, as Lord Digby had ſuggeſted it ſhould be called, the Remonſtrance, appears to have been revived openly, and direction given that it ſhould take its place among the orders of the Houſe, as part of the buſineſs of the ſeſſion remaining to be done. Portions of it certainly came under diſcuſſion before the members roſe for the receſs; and we have evidence that after the King's departure, amid the excitements of the inquiry into the army plot, the committee to whom it had been referred had it under deliberation as "the Remonſtrance of the ſtate of the Kingdom and the Church."* What its promoters prudently concealed, or, to ſpeak perhaps more correctly, had not yet finally ſettled, was the particular manner in which they propoſed to make uſe of it.

Biſhop Williams's labour loſt.

Remonſtrance openly diſcuſſed.

The King quitted London on Monday the 9th Auguſt; with what hopes of returning, after his abſence, better able to cope with his antagoniſts in the Houſes, an anecdote related by Mr. Hyde may in ſome degree enable us to judge. He deſcribes† the ſurpriſe with which, ſome little time before, he had received an invitation to wait privately on the King; how he had ſuppoſed it was ſome miſtake,

King quits London: 9th Auguſt.

Hyde's previous interview.

both Houſes ſat until after 10 at night, unable to ſettle upon any ſatisfactory courſe.

* So ſtyled in the Commons' Journals (ii. 234).

† In his *Life and Continuation*, i. 92-93.

" for that he had not the honour to be known " to the King, and that there was another of the " ſame name, of the Houſe;" but how that it proved to be no miſtake, and he accordingly ſaw the King alone in the "ſquare room" at Whitehall. On which occaſion his Majeſty told him "that he heard from all hands how much " he was beholden to him; and that when all " his ſervants in the Houſe of Commons " either neglected his ſervice, or could not " appear uſefully in it, he took all occaſions " to do him ſervice; for which he thought fit " to give him his own thanks, and to aſſure " him that he would remember it to his " advantage." For his affection to the Church in particular, Mr. Hyde proceeds to tell us, his Majeſty thanked him more than for all the reſt; and then he diſcourſed of what he called the paſſion of the Houſe, and of the bill lately brought in againſt Epiſcopacy, and aſked Hyde whether he thought they would be able to carry it, to which the other anſwered he believed they could not, at leaſt that it would be very long firſt. "Nay," replied Charles, "If " you will look to it that they do not carry it " before I go to Scotland, which will be at " ſuch a time, when the armies ſhall be diſ- " banded, *I will undertake for the Church after* " *that time.*"

Why Charles was grateful to him.

His ſervice againſt Epiſcopacy Bill.

Engagement to defeat it.

Plainly one great hope on which Charles built in this expedition to his Northern dominions, was, by means of perſonal intercourſe on his way with the mutinous Northern army, and by ſimilar influences exerted in Edinburgh over the leaders of the yet undiſ-

banded Scottiſh force, to be able to achieve ſome plan for getting certain regiments into the ſouth with a view to his deſign againſt the Parliament itſelf in the perſons of its leading members. Does your Majeſty ſay, then, exclaimed Hyde, that you can undertake for the Church *after your return?* "Why, then, "by the Grace of God, it will not be in much "danger." What Mr. Hyde meant by this will ſoon more fully appear.

Hopes from the Scottiſh Journey.

Hyde's promiſe.

§ vi. Reassembling of Parliament: October, 1641.

The parliamentary receſs, during which Pym ſat as chairman of a committee having abſolute powers to conduct buſineſs in the interval, laſted from the 9th of September, when the Houſe had not riſen until nine o'clock at night, to the morning of the 20th of October. On that day the members reaſſembled; but great gaps were ſeen in their ranks, and it became obvious, as week followed week without ſupplying theſe deficiencies, that the average of attendance had conſiderably diminiſhed. Lord Clarendon, though he heſitates expreſſly to ſay ſo, would have us aſſume that the King's party ſuffered moſt by this falling off; but the aſſumption is hardly reconcileable with the ſtrenuous exertions of the patriots to compel a more full attendance. It appears from the D'Ewes manuſcript that Strode went even ſo far, ſome two months after the receſs, as to propoſe to fine a member £50, or expel him, if he perſiſted in abſence without leave;

20th of October, 1641. Houſes meet.

Defaulters from the Commons.

Strode's propoſition againſt the abſent

without leave.

and when ſuggeſtion was made on the King's behalf from Edinburgh, for the iſſue of a proclamation requiring full attendance of all the members of the Houſe, the Lord Keeper and Chief Juſtice Bankes were againſt it, as unſeaſonable. The truth ſeems to have been, that the defection compriſed generally the claſs of not very ſettled opinions which had hitherto ſided moſtly with the ſtrongeſt; and that its manifeſtation at this critical time, bringing new proof of influences at work as well within as without the Houſe, to weaken the power of its leaders, furniſhed alſo a more complete juſtification, if that were needed, of the courſe on which they had reſolved.

Liberal party weakened.

Forebodings coming true.

Nor had they aſſembled many hours before darker warnings gathered in upon them. The Scottiſh journey had borne its fruits. The entire diſbanding of the Northern army at the time appointed had been intercepted by the King's order, under the hand of Vane; there had been communications with it, during the King's progreſs to Edinburgh; and the intrigues in Edinburgh itſelf had been ſo far partially ſucceſſful, that a ſchiſm had been effected among the leaders of the Covenant of a character preciſely ſimilar to that which Hyde had undertaken for England. It was Pym's duty now, as chairman of the committee appointed to ſit during the receſs, after narrating the diſcovery of Goring's plot, to place before the Commons certain evidences exiſting of another widely ſpread army conſpiracy in England, of the weight or importance to be attached to which, and of its poſſible

Report from the Receſs Committee.

connection with matters then tranſpiring in Scotland, the Houſe would judge. Falkland and Hyde attempted to turn the debate into another direction, and the reſult was ſtill doubtful when Pym, in the midſt of the ſitting, produced letters which the committee had received from Hampden. Hampden was ſtill in Edinburgh, nominally (with Fiennes and Stapleton) as a commiſſioner on the Scotch debt, but really to watch the King's proceedings there; and the letters now handed in from the member for Bucks, and which had reached the committee by an expreſs, detailed the ſcheme juſt diſcovered at Edinburgh for the aſſaſſination of the leaders of the Covenant.* The entire contents of theſe letters

Another Plot.

Letters produced from Hampden.

The "Incident."

* Clarendon ſays explicitly that Montroſe, while profeſſing to be able to ſatiſfy the King of the treaſon of Argyle and the Hamiltons, adviſed the more certain and expeditious mode of diſpoſing of them by aſſaſſination, which he "frankly "undertook to do" (*Hiſt.* ii. 17). The noble hiſtorian adds that the King "abhorred that expedient," but unhappily even he is not able to deny that the King continued his regard and confidence to the man who (as at any rate he appears himſelf to have believed, at the cloſe of his life, when the beſt opportunities had meanwhile preſented themſelves for maturing his knowledge and judgment of the facts) had actually ſuggeſted aſſaſſination. The ſubject is further purſued in my *Arreſt of the Five Members*, § xxviii. From the manuſcript records of theſe proceedings of the Long Parliament which are before me as I write, I find that Pym, as early as ten days after the preſent date, namely, on the 30th October, appears to have been thoroughly conſcious of what had been going on in Edinburgh. In the courſe of the more elaborate ſtatement he then gave of the circumſtances (adverted to in his ſpeech ten days before) of "a new deſign now lately, "again to make uſe of the army againſt us," he has occaſion to advert alſo to the fact that "ſecret forces were ready in "ſome places, and ſecret meetings had been in Hampſhire by "ſundry great recuſants;" and with this he couples a warning "that the Prince" (afterwards Charles II.) "who was "appointed to be at Richmond, was often at Oatlands with

Charge againſt Montroſe.

30th October. Pym's ſpeech on Army deſigns.

were not divulged: but, on the further ſtatement then made by Pym, a propoſition by Hyde (which Falkland ſupported) for leaving the buſineſs of Scotland to the Parliament there, and paſſing to conſideration of the pay of the five undiſbanded troops of the Northern army, was ſtrenuouſly reſiſted, and at laſt ſucceſſfully. Then, upon the motion of Sir Benjamin Rudyard ſupported by Sir Walter Earle and others, among whom Sir Simonds D'Ewes diſtinguiſhed himſelf by a highly metaphorical and ingenious addreſs in which he enlarged upon a wholeſome barbarous cuſtom prevailing in Africa of hanging up one Lion to ſcare the reſt, reſolutions were paſſed for immediate conference with the Lords on the ſafety of the parliament and kingdom; inſtructions were given for occupation, with a ſtrong force, of all the military poſts of the city; the trained-bands of London were ordered up to guard the two Houſes by night as well as by day; and theſe troops, with the ſimilar force enrolled in Weſtminſter, were ſubſequently turned into a regular parliamentary guard acting under direction of the Earl of Eſſex. All this had paſſed during the day of the 20th of October; and in the evening, Edward Nicholas,* already named as ſo ſoon

Hyde and Falkland outvoted.

Pym's reſolutions carried.

" the Queen, and away from the Marquis of Hertford his " Governor, for whom there were no convenient lodgings at " Oatlands." Then, after a certain break, theſe remarkable words follow: "*That he feared the conſpiracy went round, " and was in Scotland as well as England.*"

Conſpiracy tracked out.

* An able and a moderate man, who ſerved his maſter faithfully, and (rareſt of qualities in a King's ſervant then) not unwiſely. Clarendon deſcribes him, in one of the ſuppreſſed paſſages of his Hiſtory, as " one of the Clerks of the

Character

to be knighted and made Secretary of State in place of Windebank, and who now ſat for Newton in Hants, keeping the ſignet during Charles's abſence in Edinburgh, wrote to the King that ſome well-affected parliament men had been with him that day in great trouble, in conſequence of news from Scotland, and that he had not been able to calm their anxiety.* As the days paſſed on, and new light was thrown on the equivocal poſition of the King with the promoters of the league againſt Argyle and the Hamiltons, this cauſe for trouble to the "well-affected" did not diminiſh. In a ſecond letter, his Majeſty is told how much his ſervants in the Houſe are diſheartened to be kept ſo long in darkneſs. In a third, he has further notification of the great pain which is cauſed by his ſilence. Nevertheless, that moſt ſignificant ſilence continued.

Alarm of Secretary Nicholas.

King's friends diſheartened.

Hampden followed ſoon after his letters, leaving his fellow-commiſſioners † in Edinburgh, and arrived in London while the newly introduced bill to take away the biſhops' votes in the other Houſe was under diſcuſſion.

Arrival of Hampden.

" Council, who had been Secretary to the Duke of Bucking- of Edward
" ham for the Maritime Affairs, a man of good experience, Nicholas.
" and of a very good reputation" (ii. 600). The King made him Secretary of State as ſoon as he returned from Scotland. See Clarendon's *Life*, i. 94.

* " The next day after the receipt of the letters," ſays Indirect Clarendon (ii. 579), " the Earls of Eſſex and Holland ſadly ways of
" told me, that I might clearly diſcern the indirect way of the Court.
" the Court, and how odious all honeſt men grew to them."

† The Hon. Nathaniel Fiennes, Lord Say and Seale's ſecond ſon, member for Banbury; and Sir Philip Stapleton, member for Boroughbridge.

Biſhops' Bill under diſcuſſion.

Hyde had kept faithfully his promiſe to the King. Upon this bill being reproduced, Falkland roſe, and, to the general amazement, retracted the views he had formerly been ſo deeply pledged to, and declared his determination to vote againſt it. D'Ewes, and other ſtaunch holders of Puritan opinions, appear to have been completely unprepared for this demonſtration; but very ſpeedily others joined in it, among whom Sir Edward Dering, the member for Kent, notably diſtinguiſhed himſelf. Thus Hyde's ſcheme was thriving; and the well-affected Parliament-men, as Secretary Nicholas calls them, were now acting as a compact body, and not ſcrupling to avow the new tactics that governed them. "I am ſorry," ſaid Hampden, "to find a noble lord has "changed his opinion ſince the time the laſt "bill to this purpoſe paſſed the Houſe; for "he then thought it a good bill, but now he "thinketh this an ill one." "Truly," replied Lord Falkland, "I was perſuaded at that time, "by the worthy gentleman who hath ſpoken, "to believe many things which I have ſince "found to be untrue; and, therefore, I have "changed my opinion in many particulars, as "well as to things as perſons." It was the firſt frank bold announcement of the rupture in the Parliamentary party, and it may be intereſting to pauſe and conſider the character of the man from whom it came.

Speakers for and againſt.

Hampden's ſurpriſe.

Falkland's avowal.

§ VII. Lord Falkland.

The ſudden and impetuous break-off from the party with whom he had acted ſo zealouſly in matters requiring no common nerve and reſolution, characteriſtic as it was of the real Falkland, jars with the popular impreſſions that ariſe at mention of his name. But merely to compare it with the courſe we have ſeen him adopt upon ſuch queſtions as Strafford's Attainder, may well ſuggeſt ſome doubt as to the entire correctneſs of the eſtimates ordinarily formed of the political character and opinions of this celebrated man. He is generally aſſumed to have been the incarnation of moderate and temperate counſels. It is but a few years ſince his example was publicly pleaded by a firſt miniſter of the Crown to juſtify the ſincerity with which he might be proſecuting a war in the midſt of continual proteſtations of a deſire for peace. We were aſked to remember that the moſt virtuous and ſelf-reſtrained character in our great rebellion, and the man moſt devoted to the Royaliſt cauſe, ſtill murmured and "ingeminated" *peace, peace,* even whilſt arming for the combat. But the alluſion was unfortunate in turning wholly on that alleged circumſtance in Falkland's career which is moſt capable of clear diſproof. He was by no means devoted to the cauſe he fought for; and he cried out *peace, peace,* ſolely becauſe he deteſted the war.

Beliefs as to Falkland's character.

Supposed type of moderation.

No doubt, however, he is the man of all others of our civil conflict who is moſt generally ſuppoſed to have repreſented therein the

Errors and misjudgments.

monarchical principle; and upon this ground his ſtatue was among thoſe voted earlieſt for the hiſtorical adornment of the new Palace at Weſtminſter. But the real truth is, that Falkland was far more of an apoſtate than Strafford, for his heart was really with the Parliament from the firſt, which Strafford's never was; and never, to the very end, did he ſincerely embrace the cauſe with which his gallant and mournful death at the age of thirty-four* has eternally connected him. I have no wiſh to ſay anything to unſettle the admiring thoughts which muſt always cluſter round the memory of one whom Lord Clarendon has celebrated not ſimply as a ſtateſman and ſoldier, but as a patriot, poet,† and philoſo-

Never zealous for the King.

Tribute by Hyde.

* "Thus fell that incomparable young man, in the four-"and-thirtieth year of his age, having ſo much diſpatched "the buſineſs of life, that the oldeſt rarely attain to that "immenſe knowledge, and the youngeſt enter not into the "world with more innocence. Whoſoever leads ſuch a life, "need not care upon how ſhort a warning it be taken from "him." *Hiſt.* iv. 257. For "need not care" the firſt editors had ſubſtituted "needs be the leſs anxious."

Gratitude of the Poets to Falkland.

† To the gratitude of the poets themſelves,—to the eternal remembrance with which ſuch men as Ben Jonſon, Suckling, Waller, and Cowley, can pay richly back in their loving verſe all kinds and degrees of loving ſervice,—Falkland rather owes his title than to any achievements of his own. But there are yet a ſufficient number of good lines in his occaſional poetical pieces to juſtify Suckling's having placed him in his 'Seſſion 'of the Poets.' There are many manly verſes in his Eclogue on Jonſon's death.

His Eclogue on Jonſon's death.

"Alas! that bard, that glorious bard is dead,
Who, when I whilome cities viſited,
Hath made them ſeem but hours which were full days,
Whilſt he vouchſaft me his harmonious lays;
And when I lived, I thought the country then
A torture; and no manſion, but a den."

Falkland puts this into the mouth of Hylas, and it may

pher, in ſentences that will be immortal. But it is impoſſible to become familiar with the details of this period of our hiſtory, and with

remind us of what Clarendon ſays of the writer's own paſſionate fondneſs for London. Melybœus rejoins:

" Jonſon you mean, unleſs I much do err
I know the perſon by the character."

The ſame ſpeaker continues:

On Jonſon's learning.

" His learning ſuch, no author, old or new,
Eſcaped his reading that deſerv'd his view,
And ſuch his judgment, ſo exact his teſt
Of what was beſt in books, as what books beſt,
That, had he joined thoſe notes his labours took
From each moſt praiſed and praiſe-deſerving book,
And could the world of that choice treaſure boaſt,
It need not care though all the reſt were loſt."

His vogue in theatres.

Of his great art he then ſpeaks, ſo that what he pleaſed to write—

" Gave the wiſe wonder and the crowd delight.
Each ſort as well as ſex admir'd his wit,
The hes and ſhes, the boxes and the pit;
And who leſs liked, within did rather chuſe
To tax their judgments than ſuſpect his muſe.
Nor no ſpectator his chaſte ſtage could call
The cauſe of any crime of his, but all
With thoughts and wills purg'd and amended riſe
From the ethick lectures of his Comedies:
Where the ſpectators act, and the ſham'd Age
Bluſhes to meet her follies on the ſtage;
Where each man finds ſome light he never ſought,
And leaves behind ſome vanity he brought.
Whoſe Politicks no leſs the mind direct
Than thoſe the Manners, nor with leſs effect,
When his majeſtic Tragedies relate
All the diſorders of a tottering ſtate." . . .

His ſelf-raiſed fortune.

It was to be remembered alſo, Melybœus adds, that of all this old Ben was himſelf " ſole workman and ſole architect," as to which he concludes:

" And ſurely what my friend did daily tell,
If he but acted his own part as well
As he writ thoſe of others, he may boaſt
The happy fields hold not a happier ghoſt!"

Theſe are not only good lines, but very valuable perſonal notices of rare old Jonſon.

Opinions held by Falkland:

Falkland's ſhare in what preceded the Debates on the Remonſtrance, and to doubt in what ſpirit alone he could have taken the part which he ſubſequently played. Over and over again does Clarendon himſelf find it neceſſary to remark of him, that he never had any veneration for the Court, but only ſuch a loyalty to the King as the law required from him; and as often is he conſtrained to admit, on the other hand, that he had naturally a wonderful reverence for Parliaments, as believing them moſt ſolicitous for juſtice, the violation whereof, in the leaſt degree, he could not forgive *any mortal power.**

as to Court and Parliament.

Influence of Hyde.

But the friend who has done ſo much to preſerve and endear his fame ſince his death, had unhappily influence enough, while he lived, to lead him into a poſition which made the exact reverſe of thoſe opinions an official neceſſity; and Falkland was eminently a man who, finding himſelf ſo placed, however unexpectedly, was ready to ſacrifice everything to the punctilio of honour. In his opinions, if not in his perſonal antecedents, he was like the old cavalier Sir Edmund Verney, whoſe doubts were expreſſed to Hyde, the tempter of all theſe men. "I have eaten the King's bread, "and ſerved him near thirty years, and I will "not do ſo baſe a thing as to forſake him. I "chooſe rather to loſe my life (which I am "ſure I ſhall do) to preſerve and defend thoſe

Faith of the old Cavalier.

* This paſſage is of courſe meant to convey, as Biſhop Warburton has remarked, that Falkland thought reſiſtance lawful, which Hyde himſelf did not. And the ſame feeling is expreſſed in other paſſages, as ii. 94; iv. 244, &c.

" things which are againſt my conſcience to " preſerve and defend; for, I will deal freely " with you, I have no reverence for the " biſhops for whom this quarrel ſubſiſts." There was only this important difference in Falkland, that the bread which he had eaten, and the ſervice to which he was vowed, before he made his final election, was that of the Parliament and not of the King. And it is not difficult to diſcern that his ſtrongeſt feeling remained in this direction throughout: even when he ſeemed, as it will be my duty to ſhow him in this party ſtruggle of the Remonſtrance, moſt deeply to have committed himſelf againſt its leaders. His convictions never ceaſed to be with the opinions which the Parliament repreſented, though his perſonal habits, his elegant purſuits, his faſtidious taſtes, his thorough-going ſenſe of friendſhip, and even his ſhyneſs of manner and impatient impulſiveneſs of temper, made him an eaſy prey to the perſuaſive arts that ſeduced him to the ſervice of the King. Nor will it be unjuſt to add that it is the admiration thus attracted to his perſonal character and habits, rather than any ſenſe of his public ſervices, which conſtitutes the intereſt of his name. It is not therefore in parliament, nor on the field of battle, that they ſhould ſeek for Falkland who would cheriſh him moſt, but rather in that private home to which his love and patronage of letters lent infinite graces and enjoyments, and where the man of wit and learning found himſelf invariably welcomed as to " a college " ſituated in a purer air."

Sentiment not judgment.

Eaſy prey to Hyde's perſuaſion.

Falkland's ſtronghold.

View taken by Macaulay.

Lord Macaulay has remarked that he was too faſtidious for public life, and never embarked in a cauſe that he did not ſpeedily diſcover ſome reaſon for growing indifferent or hoſtile to.* There is ſomething in that; but we ſhould prefer to ſay that his ſpirit in all things was too much on the ſurface—too quick, impetuous, and impatient; and hence both his ſtrength in impulſe, and his weakneſs in action. He carried about with him a painful ſenſe of perſonal diſadvantages which he was

* The subjoined paſſage is ſo happy a ſpecimen of the manner of the writer, that I cannot reſiſt appending it. "He did not perceive that in ſuch times as thoſe on which his lot had fallen, the duty of a ſtateſman is to chooſe the better cauſe and to ſtand by it, in ſpite of thoſe exceſſes by which every cauſe, however good in itſelf, will be diſgraced. The preſent evil always ſeemed to him the worſt. He was always going backward and forward; but it ſhould be remembered to his honour that it was always from the ſtronger to the weaker ſide that he deſerted. While Charles was oppreſſing the people, Falkland was a reſolute champion of liberty. He attacked Strafford. He even concurred in ſtrong meaſures againſt Epiſcopacy. But the violence of his party annoyed him, and drove him to the other party, to be equally annoyed there. Dreading the ſucceſs of the cauſe which he had eſpouſed, diſguſted by the courtiers of Oxford, as he had been diſguſted by the patriots of Weſtminſter, yet bound by honour not to abandon the cauſe for which he was in arms, he pined away, neglected his perſon, went about moaning for peace, and at laſt ruſhed deſperately on death, as the beſt refuge in ſuch miſerable times. If he had lived through the ſcenes that followed, we have little doubt that he would have condemned himſelf to ſhare the exile and beggary of the royal family; that he would then have returned to oppoſe all their meaſures; that he would have been ſent to the Tower by the Commons as a ſtifler of the Popiſh Plot, and by the King as an accomplice in the Rye Houſe Plot; and that if he had eſcaped being hanged, firſt by Scroggs, and then by Jefferies, he would, after manfully oppoſing James the Second through years of tyranny, have been ſeized with a fit of compaſſion at the very moment of the Revolution, have voted for a Regency, and died a Non-juror." (Ed. 1843.)

Macaulay's *Eſſays* i. 160.

A public man unfit for public life.

What if he had lived to Revolution?

eager to overcome, and his very impetuoſity was often but another form of ſhyneſs. But to whatever cauſe attributable, it is certain that what he would do in public life, he was apt to overdo; and there cannot be a greater miſtake than that which ſo often repreſents him, and which voted him the firſt ſtatue among Engliſh worthies in the palace at Weſtminſter, as the incarnate ſpirit of the moderation of our ſtruggle in the ſeventeenth century. His temperament had in it as little as poſſible of calmneſs or moderation. He fought a duel before he was nineteen; and while yet in his minority, he had defied his father's authority and made a runaway match. What his friend Hyde calls a "notable vivacity" was always expreſſing itſelf in him, by words or deeds; whether the matter was great enough to impel him ſuddenly into the allegiance for which he died, or only ſmall enough to bring down "his claſped hands tightly on the crown of his "hat" where another man would have thought it enough quietly to ſit covered. Mentioning a vote of the Commons for ſome certain ſpecial ſervice, by which the Speaker was inſtructed in the name of the whole Houſe to give thanks to him who had rendered it, and every member was alſo deſired as a teſtimony of his particular acknowledgment "to ſtir or move his hat," Hyde tells us that, believing the ſervice itſelf not to be of that moment, and that an honourable and generous perſon would not have ſtooped to it for any recompenſe, "in- "ſtead of moving his hat, *he ſtretched both* "*his arms out and claſped his hands together*

Objections thereto.

Excitability of temper.

Anecdote by Clarendon.

Emphaſis overdone.

"*upon the crown of his hat, and held it cloſe* "*down to his head*, that all men might ſee "how odious that flattery was to him, and "the very approbation of the perſon though "at that time moſt popular." The action might for once have excuſed the ſtrange deſire of the privy councillor before named, to compare his countrymen in theſe wars to very different actors in a very different revolution.

Similar trait of Danton.

"Firm as the hat of Servandony!" ſhouted Danton, with happy alluſion to one of the towers of St. Sulpice ſo named, as he cruſhed down and held his hat immovably over his great broad face, when threatened with chaſtiſement if he would not uncover while he ſat in the pit of the Français on the eve of the Convocation of the States-General. And certainly, however unlike the men, a ſudden, indignant, too impatient ſpirit, was common to both. It largely contributed to what was right as well as to what was wrong in Falkland, and might equally have juſtified his ſelection as the repreſentative, not of the moderation of the ſtruggle, but of either of its extremes. The artiſt who received the commiſſion for his ſtatue might have ſculptured him as on the 8th of February (1640-1), the vehement aſſailant of the Biſhops, or as on the 25th of October (1641), the vehement ſupporter of the Church. He might have been taken in 1640 as eager for Strafford's life, as in 1643 he had become reckleſs of his own in the ſame ill-fated ſervice as Strafford's.

Strange reſemblances.

Stranger contraſts.

Very certain it is, at any rate, that he is the laſt perſon to take for a model of devotion to

the cauſe he was laſt engaged in. Hyde expreſſly tells us that "from the entrance into "this unnatural war his natural cheerfulneſs "and vivacity grew clouded;" that only "when "there was any overture or hope of peace, he "would be more erect and vigorous;" and that ſuch, in ſhort, was his friend's diſlike of the war that he invited and ſought death merely to get himſelf fairly out of it. Before war was actually entered on, indeed, we have proof that this dejection and ſadneſs of ſpirit had ſtolen upon him. When, for inſtance, on the 5th of September, 1642, he delivered to the Houſe of Commons, as miniſter to the King, the laſt meſſage ſent by Charles to the repreſentatives of his people, he is deſcribed in the Manuſcript Journal of D'Ewes, who witneſſed the ſcene, to have ſtood bareheaded at the bar, even as Culpeper had ſtood but ten days before, looking ſo dejectedly as if he had been a delinquent rather than a member of the parliament, a privy councillor, and meſſenger from the King. Was he thinking, then, of that old reverence he bore to Parliaments, inſomuch that he thought it really impoſſible they could ever produce miſchief or inconvenience to the kingdom, or that the kingdom could be tolerably happy in the intermiſſion of them?* As he ſurveyed the old familiar benches, was he ſorrowful with the ſad miſgiving that he had elſewhere now transferred his allegiance, and that it was no longer permitted him to hold the exalted opinion he once held

Diſlike of the war.

Laſt appearance in Houſe of Commons.

More like delinquent than Miniſter.

Regret or ſelf-reproach?

* Clarendon, *Hiſt.* iv. 244.

of the uprightneſs and integrity of the leading men who ſat there, eſpecially of Mr. Hampden? *

But whatever ſuch doubts or ſelf-queſtionings may have been, they need not now overſhadow or cloud a memory that Engliſhmen of all opinions may well be proud to cheriſh. If we deſire to reclaim Falkland to the Parliament, it is that we would gladly, for ourſelves, aſſociate with that ſide in the ſtruggle thoſe prodigious parts of learning and knowledge, that inimitable ſweetneſs and delight in converſation, that flowing and obliging humanity and goodneſs to mankind, that primitive ſimplicity and integrity of life. But it is doubtleſs the wiſer courſe to ſeparate from all mere party aſſociations ſuch qualities as theſe, and rather to think of them as vouchſafed to ſuſtain and ſweeten our common nature under all its conditions of conteſt and trial. He aſked no man's opinion, ſays Clarendon, whom he deſired to ſerve; it was enough that he found a man of wit, family, or good parts, clouded with poverty or want; and ſuch was his generoſity and bounty for all worthy perſons of that kind needing ſupplies and encouragement (whoſe fortunes required, and whoſe ſpirits made them ſuperior to, ordinary obligations),†

Falkland's nobler qualities.

Services to men of wit.

* *Hiſt.* iv. 245.

† "As," Clarendon takes occaſion to ſay (*Life*, i. 46), "Ben Jonſon, and many others of that time." "Which "yet," he adds, "they were contented to receive from him, "becauſe his bounties were ſo generouſly diſtributed, and ſo "much without vanity and oſtentation, that, except from "thoſe few perſons from whom he ſometimes received the "character of fit object for his benefits, or whom he intruſted "for the more ſecret deriving them to them, he did all he

Hyde's happy eulogy.

that he ſeemed to have his eſtate in truſt for ſuch alone. To that generous home which he kept open to his friends near Oxford, no man had to pay toll or tax of opinion at entering.* There, without queſtion aſked, men of all opinions in Church and State aſſembled; finding in their hoſt ſuch an immenſeneſs of wit and ſuch a ſolidity of judgment, ſo infinite a fancy bound in by a moſt logical ratiocination, ſuch a vaſt knowledge that he was not ignorant in anything, with ſuch an exceſſive humility as if he had known nothing, that the place was

Open houſe at Oxford:

to men of all opinions.

" could that the perſons themſelves who received them ſhould " not know from what fountain they flowed; and when that " could not be concealed, he ſuſtained any acknowledgment " from the perſons obliged with ſo much trouble and baſhful- " neſs, that they might well perceive, that he was even " aſhamed of the little he had given, and to receive ſo large " a recompenſe for it."

Exquiſite delicacy.

* " Who all found their lodgings there," ſays Clarendon, " as ready as in the colleges; nor did the lord of the houſe " know of their coming or going, nor who were in his houſe, " till he came to dinner, or ſupper, where all ſtill met: other- " wiſe there was no troubleſome ceremony or conſtraint, to " forbid men to come to the houſe, or to make them weary of " ſtaying there; ſo that many came thither to ſtudy in a better " air, finding all the books they could deſire in his library, " and all the perſons together whoſe company they could " wiſh, and not find in any other ſociety." *Life*, i. 48. In his hiſtory Clarendon adds that upon one ſubject only was Falkland intolerant in reſpect of thoſe whom he received, and he attributes it to the fact that the Papiſts had corrupted his two younger brothers (his mother was a Catholic) " being " both children, and ſtolen them from his houſe, and tranſported " beyond ſeas;" and that they had alſo " perverted his " ſiſters:" upon which occaſion, Clarendon mentions, " he " writ two large diſcourſes againſt the principal poſitions of " that religion, with that ſharpneſs and ſtyle, and full weight " of reaſon, that the Church is deprived of great jewels in the " concealment of them, and that they are not publiſhed to the " world." *Hiſt.* iv. 244. Some curious letters having reference to theſe incidents in Falkland's family will be found in the *Clarendon State Papers*, ii. 535—538.

Picture of Falkland's houſe.

Intolerant only of intolerance.

Diſcourſes againſt Popery.

A college in purer air.

to them as a college ſituated in a purer air.*

Were it poſſible that a time might come when all recollection ſhould have paſſed away of the momentous quarrel in which Falkland threw down his life, thoſe things might yet continue his name and memory with profit and advantage to all men. And even above them we would place the three particular characteriſtics which the affection of his friend cannot help recording, while he qualifies them as niceties with which he was reproached during life as unſuited to "the neceſſity and "iniquity of the time." Holding, on the other hand, that were it only poſſible to find men pure enough to practiſe them, they would abate the neceſſity and iniquity of every time, I ſhall cloſe the ſection by placing them on record here as the higheſt human eulogy to be pronounced on Falkland. The firſt was, that ſo ſeverely did he adore truth that he could as eaſily have given himſelf leave to ſteal as to diſſemble. In other words, to ſuffer any man to think that he would do anything which he was reſolved not to do, he thought a far more miſchievous kind of lying than any poſitive averring of what could eaſily be contradicted. The ſecond was, that he would never give the remoteſt countenance or entertainment to the employing of ſpies. Such inſtruments, he held, muſt be ſo void of all ingenuouſneſs and common honeſty before they could be of uſe, that afterwards they

Three ſpecial characteriſtics:

love of truth;

hatred of ſpies;

* Clarendon, *Hiſt.* iv. 243.

could never be fit to be credited; and he could account no ſingle preſervation to be worth ſo general a wound and corruption of human ſociety as the cheriſhing ſuch perſons would carry with it. The third was, that he denounced ever with vehement indignation the liberty of opening private letters, upon ſuſpicion that they might contain matter of dangerous conſequence; thinking it ſuch a violation of the law of nature that no qualification by office could juſtify a ſingle perſon in the treſpaſs. reverence for private letters.

Such and ſo great that laſt particular treſpaſs, indeed, that it may in ſome caſes be a moot queſtion whether any lapſe of time abſolves the reſponſibility of keeping private letters, which the writers of them never meant to be laid open, ever ſtrictly and ſacredly cloſed.

§ VIII. The Secession and its Dangers.

There was certainly no kind of concealment or reſerve, and no diſſembling, in what Falkland told the Houſe upon Hampden's return from Scotland. So far he ſhowed the ſtrength of his character even in a confeſſion of the weakneſs of his conduct. He was no longer diſpoſed to accept or act upon the counſels of the member for Buckinghamſhire, and he avowed at once that, upon the queſtion where they moſt widely diverged, he meant to follow Hyde's counſels. He had changed his opinion in many particulars, as well as to things as perſons, and he choſe frankly to ſay ſo. This was at leaſt fair warning. On which- Falkland's new leader: not Hampden but Hyde.

Liberal phalanx broken up.

ever ſide might be found to lie ultimately the right or the wrong, here was at any rate an end to that phalanx which had brought Strafford to the ſcaffold, lodged Laud in the Tower, and driven Finch and Windebank into exile; which had condemned ſhip-money, impeached the judges who gave it their ſanction, and dragged one of them in open court from the ſeat his injuſtice had polluted;* which had paſſed the triennial bill, and voted as unlawful every tax upon the ſubject impoſed without conſent of the Houſe of Commons; which had aboliſhed all juriſdictions that reared themſelves above the law; and before whoſe unſhrinking, compact array, alike the petty and the mighty inſtrument of wrong had fallen, the Stannary Courts and the Court of York, the Star Chamber and the High Commiſſion. In not one of theſe retributive or reformatory acts, had the party of Hyde and Falkland wavered in the leaſt: in many, they had outſtripped even Denzil Hollis, Cromwell, Hampden, and Pym. But they now did not heſitate to give out, as in Falkland's reproach to Hampden, that unfounded inducements had been addreſſed to them; and that this juſtified their inſtant

Its achievements.

Deſertion by ſeceders:

A Judge arreſted on the Bench.

* I quote from Whitelocke's *Memorials* (p. 40, Ed. 1732). "February 13, 1640. Sir Robert Berkley, one of the Judges "of the King's Bench, who gave his opinion for Ship money, "was impeached by the Commons of High Treaſon, in the "Lords' Houſe, and, by their command, Maxwell, the Uſher "of the Black Rod, came to the King's Bench when the "Judges were ſitting, took Judge Berkley from off the Bench, "and carried him away to priſon, which ſtruck a great terrour "in the reſt of his brethren then ſitting in Weſtminſter Hall, "and in all his profeſſion."

deſertion, as well of the principles they had acted on, as of the men they ſo long had acted with. What the alleged miſrepreſentations were, has never been explained. But it is certain that not an attempt was made by them, before they paſſed into oppoſition againſt their old aſſociates, to obtain a ſingle ſecurity for the King's better faith as to any one tranſaction of the year during which they had ranked as his opponents. Still in all reſpects unaltered, ſave that Strafford ſtood no longer by his ſide, at leaſt Charles the Firſt cannot be accuſed of having tempted theſe men. Their names, and their exertions in debate, are ſubmitted by Secretary Nicholas to his maſter, with a requeſt for due encouragement to ſuch ſervice, in the very letters which bear evidence of Charles's continued hatred of the Cauſe of which they had been the defenders, and were now the betrayers. There is hardly an interchange of confidence at this date between Edinburgh and Whitehall, in which there is not either news of ſome freſh ſuppoſed danger to the parliamentary leaders, received with unconcealed ſatisfaction; or the ſuggeſtion of ſome plot or intrigue againſt them, thrown out with eager hope. If they had flinched or wavered for a moment, all that they had gained muſt at once have paſſed from their keeping. Happily for their own fame, more happily for our peaceful enjoyment of the fruits of their deſperate ſtruggle, they ſtood quiet and undiſmayed under every danger and every form of temptation.

never accounted for.

The King unaltered.

Old cauſe ſtill hateful to him.

Danger of loſing all.

Some days before the reaſſembling of the Reappear-

ance of plague. Houſe, great ſickneſs had broken out in London; the plague had reappeared in ſome quarters; and the occaſion had been ſeized for an intrigue to ſtay the reaſſembling, or to procure at leaſt an adjournment of place if not of time. It is a leading topic in ſeveral letters from Secretary Nicholas to the King. At

King's deſire for adjournment of Houſes. firſt he is full of hope, deſcribing the ſpread of the plague and the ſhutting up of infected houſes around Weſtminſter, and confidently anticipating that adjournment in ſome form muſt be reſorted to, ſo rife and dangerous the ſickneſs grows. But after three days he has

Pym's reſiſtance. to change his tone, and to tell the King that "Mr. Pym" and thoſe of his party will not hear that parliament ſhall not be held, or ſhall meet anywhere but in London or Weſtminſter. It met, as we have ſeen; and Mr. Pym, five days after the meeting, received very deciſive intimation of the temper with which the King's partizans out of doors now regarded him.

Attempt on Pym's life. He was ſitting in his uſual place, on the right hand beyond the members' gallery, near the bar, on the 25th of October, when, in the midſt of debate on a propoſition he had ſubmitted for allowance of "powder and bullet" to the City Guard, a letter was brought to him. The Serjeant of the Houſe had received it from a meſſenger at the door, to whom a gentleman on horſeback in a grey coat had given it that morning on Fiſh-ſtreet-hill; with a gift of a ſhilling, and injunction to deliver it with great care and ſpeed. As Pym opened the

Letter delivered letter, ſomething dropped out of it on the

floor; but without giving heed to this he read to himſelf a few words, and then, holding up the paper, called out that it was a ſcandalous libel. Hereupon it was carried up to the lately-appointed Clerk's Aſſiſtant, Mr. John Ruſhworth, who, in his unmoved way, read aloud its abuſe of the great leader of the Houſe, and its aſſeveration that if he ſhould eſcape the preſent attempt, the writer had a dagger prepared for him. At this point, however, young Mr. Ruſhworth would ſeem to have loſt his coolneſs, for he read the next few lines in an agitated way. They explained what had dropped from the letter. It was a rag that had covered a plague-wound, ſent in the hope that infection might by ſuch means be borne to him who opened it. "Whereupon," ſays the eye-witneſs, from whoſe report the incident is now firſt related as it really happened, "the ſaid clerk's aſſiſtant "having read ſo far, threw down the letter "into the houſe; and ſo it was ſpurned away "out of the door." Its threats, however, could not ſo be ſpurned away, and were not mere empty brutalities. Nicholas's report of it to the King was dated but a few days after the occurrence, yet, in the brief interval, not only had another attempt upon Pym's life been diſcovered, but a perſon miſtaken for him had been ſtabbed in Weſtminſter Hall. Charles made no comment on the particular ſubject reported upon by his correſpondent. But, if ſo minded, his Majeſty might have told him that he and his Queen had their plots alſo, againſt the foremoſt man of the parliament; and that Pym's name, for purpoſes of

by the Serjeant.

Handed to Mr. Ruſhworth.

Its contents.

Mr. Ruſhworth's alarm.

Further attempts againſt Pym.

their own, was become a word of familiar ſound in their letters to each other.*

His aſſailants in the Houſe.

Pym had aſſailants in the Houſe itſelf, too, more open, but hardly more honourable. The firſt direct reſult of the dark rumours from Scotland inculpating the King, was a propoſition moved in the Commons for a vote affirming the King's right to nominate all officers, councillors, ambaſſadors, and miniſters; but demanding that the power of approving them ſhould in future reſt with the parliament. It was brought forward by Mr.

Reſolution moved:

Alluſions to Pym in Queen's letters.

Attempts to bring him into ſuſpicion.

Cauſes of his popularity.

Tribute by Covenanter Baillie.

* "I received yeſterday a letter from Pym, by which he "ſends me word that he fears I am offended with him, becauſe "he has not had a letter from me for a long time. I beg you "tell him that that is not the caſe, and that I am as much "his friend as ever, but I have ſo much buſineſs, that I have "not been able to write by expreſſes, and by the poſt it is not "ſafe." So wrote Henrietta Maria to her huſband the King; and the intention of courſe was to damage Pym, if poſſible, by letting ſuch expreſſions, in themſelves a pure invention, caſually be ſeen. Again ſhe ſays, in another letter: "As to the thirty thouſand pieces which Pym ſends "me word have been promiſed a long time ago, and not ſent, "you will alſo be ſhown how they have been employed moſt "uſefully for your ſervice." Again, artfully naming him with a known agent and miniſter of Charles: "I have ſo "much buſineſs that I have not leiſure to write to Pym nor "to Culpeper. Remember me to them, and tell them I am "returned to England as much their friend as when I "left, &c." The ſubject of Pym's extraordinary popularity, and its cauſes, is treated in more detail in my *Arreſt of the Five Members*, § v, but I will here ſubjoin the ſtriking teſtimony borne by Covenanter Baillie to the qualities which had ſingled out this great man for thoſe onerous duties of leaderſhip under which he ſank exhauſted in the ſecond year of the war. Baillie is writing to his friend Spang on the 10th Auguſt, 1644: "Since Pym died, not a State Head amongſt "them: many very good and able ſpirits, but not any of ſo "great and comprehenſive a braine, as to manage the multi"tude of ſo weightie affaires as lyes on them. If God did "not ſit at their helme, for any good guiding of theirs long "ere this they had been gone." *Journals*, ii. 216.

Robert Goodwin, the member for East Grinstead, in a speech levelled at the new party in the House. He dilated on the disasters undergone from former advisers and ministers of the Sovereign; and argued that all they had gained would now be lost, if they could not guard against possible dangers from new counsellors as unworthy, and who might perhaps become as powerful, as the old. The matter was debated on both sides with vehemence, and Mr. William Strode,* who sat for Beer-

against King's appointments to office.

* What Clarendon says of Strode, that he was "one of "those ephori who most avowed the curbing and suppressing "of Majesty" (i. 253), and further (ii. 23), that he was "one of the fiercest men of the party, and of the party only "for his fierceness," is coloured always by strong personal dislike, but it had probably some foundation. Only he forgets to state that Strode had precisely the same claims to popular sympathy and confidence of which he does not withhold the credit from other leading men, in so far as such might fairly rest on former sufferings, and long imprisonments, for independent conduct in preceding parliaments. And indeed, considering the strong claim which, in every other case, such sufferings constituted—the title which the mere fact of having so suffered gave, to popularity out of the House, to authority within it, and to continued dislike and jealousy from the Court—it is perfectly inexplicable to me that Clarendon, in remarking on the arrest of the five members, should bring himself to talk of a man who had sat in the last two Parliaments of James and in all the Parliaments of Charles, who had been a foremost actor in the great scene of the dissolution of the Third Parliament, and who for his spirited and manly conduct that day had suffered persecution and long imprisonment, as he speaks of Strode. After observing that three of the five members impeached were really distinguished men, he adds (vol. ii. 161), "Sir Arthur Haselrig and Mr. Strode were "persons of too low an account and esteem; and though "their virulence and malice was as conspicuous and transcendent as any man's, yet their reputation, and interest to do "any mischief, otherwise than in concurring in it, was so "small, that they gained credit and authority by being "joined with the rest, who had indeed a great influence."

Clarendon's attack on Strode: not applicable to Strode of James's reign.

I had written thus far when it occurred to me to make further inquiry, and the result is a conviction to my mind

Probable confusion

alſton, appears to have given the member for

between two Strodes.

that the Strode of the Parliaments of James and the early Parliaments of Charles, and the Strode of the Long Parliament, in whoſe identity every hiſtorian and writer upon theſe times, ſo far as I am aware, has hitherto implicitly believed, and by whom, as one and the ſame ſpeaker, a large place is filled in both Editions of the Parliamentary Hiſtory, were two diſtinct perſons. That ſo extraordinary a miſtake ſhould have been made as to a perſon whom the King's fatal attempt was calculated to render notorious, may ſerve to ſhow, among other things, how much has yet to be learned reſpecting the incidents and actors in theſe momentous times. The proof as to Strode conſiſts in the fact of repeated references to him as a young man, in the manuſcript reports of the proceedings of the houſe which I have had before me while writing. Ruſhworth had already drily noticed (*Collections*, Part iii. Vol. I. 477) his obſtinacy in refuſing, when the King's intention was made known, to leave the houſe with the other members, until his ancient acquaintance Sir Walter Earle forced him out: but I ſubjoin an ampler account of the ſcene, until now unpubliſhed, which is intereſting in itſelf, and appears deciſive as to the miſtake hitherto made. "But Mr. William Strode, "the laſt of the five, being a young man and unmarried, "could not be perſuaded by his friends for a pretty while to "go out; but ſaid that knowing himſelf to be innocent, he "would ſtay in the houſe, though he ſealed his innocency "with his blood at the door: nor had he been at laſt over-"come by the importunate advice and entreaties of his friends, "when the van or fore-front of thoſe ruffians marched into "Weſtminſter Hall. Nay, when no perſuaſions could prevail "with the ſaid Mr. Strode, Sir Walter Earle, his entire "friend, was fain to take him by the cloak, and pull him "out of his place, and ſo get him out of the houſe." From the fact of his repreſenting Beeralſton, and of the connection between the family of the elder Strode and Sir Walter Earle, young Strode was in all probability the ſon; but both the Editions of the Parliamentary Hiſtory, and all other biographies and hiſtories relating to him, beginning with the very poſitive account in the Second Impreſſion of the *Athenæ Oxonienſes* (iii. 176-8, Edit. 1817), muſt now be altered, if what I have here advanced be correct.

The later Strode a young man.

Evidence of D'Ewes's Journal.

Scene at Arreſt of Five Members.

[The diſpute of Strode's identity was reſtated, and the view here expreſſed further enforced, in my *Arreſt of the Five Members*, § xxi, in reply to ſome remarks which the preſent note had elicited in a very able book (*Illuſtrations of the Great Rebellion*, by Mr. Langton Sanford) publiſhed after my *Eſſays*. But, in now leaving as it ſtands this curious hiſtoric doubt, I am bound frankly to ſay that the counter teſtimony

Counter teſtimony in

Saltaſh, Mr. Edward Hyde*, ſome advantage, by the unuſual violence of tone with which he broadly inſiſted on the right of the Houſe to a negative voice in placing great officers of ſtate. "I think moſt he ſaid was premedi- "tated," ſays a member who was preſent; "but it was ſo extreme in ſtrain, as Mr. "Hyde did, upon the ſudden, confute moſt Strode's violence.

in favour of identity, though far from deciſive, is ſtronger than I ſuppoſed. A Reſolution of the Houſe is reported, voting a tribute after the death of Strode of the Long Parliament, which would ſeem to recogniſe, not only his attempted arreſt by Charles, but his former ſufferings under James. On the other hand, this vote belongs to a period when a confuſion between perſons of the ſame family was quite poſſible in a reſolution having for its object to expreſs the public gratitude. And I ſubjoin, in further corroboration of doubts which I ſtill hold to predominate, an extract from a private letter of D'Ewes to his wife deſcribing the introduction of the Triennial Bill, unqueſtionably the act of the man aſſociated afterwards with Hampden and Pym in the King's attempted Arreſt. "My dear Love," writes D'Ewes, "I had thought "to have written at large unto you this weeke, but multitude "of buſineſs hinders mee. I heere encloſed ſend you a copie "of an Act of Parliament which was firſt brought into the "Houſe by *one Mr. William Stroud, a young man.*" Is it conceivable that D'Ewes, one of the moſt punctiliouſly accurate of writers, would thus have deſcribed a man who had obtained diſtinction as a repreſentative of the people before the cloſe of the preceding reign, when D'Ewes himſelf was little more than a lad from college? And as he thus firſt deſcribed the Strode of the Long Parliament, ſo, after nearly twelve months had paſſed, we have ſeen that he continued to deſcribe him. 1860.] The other view ſtrengthened: in letter to Lady D'Ewes. favour of identity.

* I call him by either name indiſcriminately, Hyde or Lord Clarendon, in the courſe of this work; but he was not the only Hyde who ſat in the Long Parliament. There was a Robert Hyde, alſo a lawyer and a royaliſt, who ſat for Saliſbury; commonly called Serjeant Hyde. Robert voted againſt Strafford's attainder, and has occaſionally been miſtaken for Edward in the liſt of "Straffordians." When Edward firſt received the King's meſſage for an interview before he ſet forth to Scotland, he affected to believe the meſſenger had committed a miſtake, and that his royaliſt nameſake was intended. Much more likely he, than one who had taken ſuch part on the other ſide! See *Life*, i. 92. Another Hyde: more decidedly Royaliſt than Edward.

Hyde's opportunity.

" of it." Eagerly was Mr. Hyde now plying his choſen office of King's defender; but he doubtleſs found his taſk more difficult after the interval of a week, during which the ſtartling news had arrived (received in the Houſe, ſays Clarendon, with deep ſilence and a kind of conſternation) of that rebellion and moſt appalling maſſacre by the Iriſh papiſts, from ſome connivance with whoſe abettors the memory of Charles the Firſt has never yet been cleared. Pym then ſaw *his* advantage. He put the matter of evil counſellors in a more practical form, and brought ſuddenly into open claſh and colliſion the two parties into which the Houſe had become divided. And the ſame great name of Strafford which had formerly united them, re-appeared now but as the ſignal to ſhow how completely they were riven aſunder.

Iriſh Rebellion.

Pym's opportunity.

§ IX. The New Party and the Old.

5th November, 1641. Pym's ſpeech on evil counſellors.

On Friday, the 5th of November, upon the queſtion of the ſupply neceſſary for the forces to be ſent into Ireland, and whether or not aſſiſtance ſhould be aſked from the Scotch, Pym aroſe, and after remarking that no man ſhould be readier or more forward than himſelf to engage his eſtate, his perſon, his life, for the ſuppreſſion of this rebellion in Ireland, there was yet another queſtion alſo to be conſidered. All that they there did would be vain, as long as the King gave ear to the counſellors about him. His Majeſty muſt be told, ſaid the member for Taviſtock, that Parliament

here finds evil counſels to have been the cauſe of all theſe troubles in Ireland; and that unleſs the Sovereign will be pleaſed to free himſelf from ſuch, and take only counſellors whom the kingdom can confide in, Parliament will hold itſelf abſolved from giving aſſiſtance in the matter. "Well moved! Well moved!" cried many members; and "divers," ſays D'Ewes, "would have had it ſpeedily aſſented "unto, but Mr. Hyde ſtood up, and firſt "oppoſed it, and ſaid, amongſt other things, "that by ſuch an addition we ſhould as it "were menace the King." Upon this hint up ſprang ſuddenly the member for St. Ives, Mr. Edmund Waller, couſin to Hampden and to Cromwell, yet one of Hyde's moſt eager recruits, nor more deſpiſed for his abject, veering, vacillating ſpirit, than he was popular for his wit, vivacity, and genius.* Theſe he had now placed entirely at the King's diſpoſal. He begged the Houſe to obſerve what Mr. Pym had juſt ſaid, and to remember what formerly had been ſaid by the Earl of Strafford. Where in effect was the difference between ſuch counſel to a King, as that he was abſolved from all laws of government, on Parliament

Excitement in Houſe.

Edmund Waller's reply.

Compares Pym to Strafford.

* "He had a graceful way of ſpeaking; and by thinking much upon ſeveral arguments, he ſeemed often to ſpeak upon the ſudden, when the occaſion had only adminiſtered the opportunity of ſaying what he had thoroughly conſidered, which gave a great luſtre to all he ſaid; which yet was rather of delight than weight. There needs no more be ſaid to extol the excellence and power of his wit, and pleaſantneſs of his converſation, than that it was of magnitude enough to cover a world of very great faults; that is, ſo to cover them, that they were not taken notice of to his reproach." Clarendon, *Life*, i. 54.

Value of preparation in oratory.

refuſing his unjuſt demands; and ſuch advice to a Parliament, as that it ſhould hold itſelf abſolved from aſſiſting the State, on the King's non-compliance with demands perhaps not more juſt? The too ingenious ſpeaker was not permitted to ſay more. Pym roſe immediately and ſpoke to order. If the advice he had given were indeed of the ſame nature as Lord Strafford's, then he deſerved the like puniſhment; and he craved, therefore, the juſtice of the Houſe, either to be ſubmitted to its cenſure, or that the gentleman who ſpoke laſt be compelled to make reparation. Many and loud were the cries for Waller which followed this grave and dignified rebuke; but a ſtrong party ſupported him in his refuſal to give other than ſuch modified explanation as he at firſt tendered, and it was not until after long debate that he was ordered into the committee chamber, and had to make ſubmiſſion in the required terms. It was near five o'clock on that November evening, when Mr. Waller "publickly aſked pardon of the Houſe and Mr. "Pym." *

Pym riſes to order.

Cries for Waller.

Reparation made.

Commons' Journals: 5th Nov.

* All, until now, revealed of this affair, is contained in the ſubjoined entry from the Commons' Journals (ii. 306), under head of Friday, 5th Nov. 1641:

"Exceptions were taken at words ſpoken by Mr. Waller, "which reflected upon Mr. Pym in a high way: for which "he was commanded to withdraw.

"And he being withdrawn, the Buſineſs was a while de-"bated: And then he was commanded to return to his place.

"And then the Speaker told him, that the Houſe held it "fit, that, in his place, he ſhould acknowledge his offence "given by his words, both to the Houſe in general, and Mr. "Pym in particular.

"Which he did ingenuouſly, and expreſſed his ſorrow "for it."

Waller's apology.

The ſpecial cauſe of offence is now firſt made known.

But the Houſe, or Mr. Pym, was little now to Mr. Waller and his friends, in compariſon with their new and late-found allegiance to the other maſter whom till now they had determinedly oppoſed. So quick and complete the change, it was as the ſhifting of a ſcene upon the ſtage. The men who had always been courtiers were ſeen ſuddenly depoſed from what importance they had, and an entirely new ſet of characters promptly filled their place. "I may not forbear to let your Majeſty "know," writes Nicholas immediately before the ſcene juſt named, and deſcribing the debates which led to it, "that the Lord Falkland, "Sir John Strangways, Mr. Waller, Mr. "Edward Hyde, and Mr. Holborne, and "divers others, ſtood as champions in mainte-"nance of your prerogative, and ſhowed for "it unanſwerable reaſon and undeniable prece-"dents, whereof your Majeſty ſhall do well "to take ſome notice, as your Majeſty ſhall "think beſt, for their encouragement." Eagerly did the King reſpond, that his good Nicholas was commanded to do ſo much at once in his name, and to tell thoſe worthy gentlemen that he would do it himſelf at his return. The Secretary was ill when that meſſage reached him, but it was not a matter that admitted of delay. Hyde was ſent for to King Street, where Nicholas lived; was ſhown up to his bed-room, in which he lay very ſick; and the buſineſs was wholly, Mr. Hyde informs us with a modeſt ſatisfaction, "to ſhow Mr. "Hyde a letter from the King to Mr. Nicholas, "in which he writ to him, that he underſtood,

Dramatic changes:

reported to the King:

Royal thanks to managers.

Hyde ſent for by Nicholas.

" by ſeveral hands, that he was very much " beholden to Mr. Hyde for the great zeal " he ſhowed to his ſervice; and therefore " commanded him to ſpeak with him, and to " let him know the ſenſe he had of it; and " that when he returned, he would let him " know it himſelf."*. Through Mr. Hyde paſſed doubtleſs ſeveral ſimilar meſſages, and thereupon cloſely had followed Mr. Waller's aſſault on Mr. Pym, and the rebuke at Weſtminſter winning him freſh favour at Whitehall.

Is ſhown a letter from the King.

Each incident that had manifeſted thus, however, the ſpirit and purpoſe of the new oppoſition, ſerved only to knit more cloſely what was left of the old liberal phalanx. No word was breathed of any kind of conceſſion. Their ſpeech had not been more deciſive, or their action more vigorous, while Strafford ſtood at bay. Broken as were their ranks, their majority was ſufficient and deciſive; and they had a ſupreme force in reſerve to which they were about to appeal. Wherever Hyde and his friends, therefore, might be expected to muſter ſtrongeſt, there they ſtruck ever themſelves the firſt, and ſtill the heavieſt.

Old leaders unmoved.

Majority ſtill ſufficient.

Before the receſs, thirteen biſhops had been impeached for an attempt to override the law by aſſerting a legiſlative authority in new Canons which they claimed to impoſe; after the Houſe again met, as we have ſeen, a bill had been introduced for taking away their votes in the upper Houſe; ſubſequently there

Meaſures againſt Biſhops:

* *Life and Continuation*, i. 94 (Ed. 1827).

had been ſeveral ſharp debates on a propoſal to ſequeſter them from giving votes on the diſabling bill, becauſe they ſhould not thereby be at once parties and judges: yet this was the time ſelected by Charles for preſſing with characteriſtic vehemence the inveſtiture of five new biſhops, of whom four had ſat in the Convocation which impoſed the diſputed Canons! In writing to Edinburgh, Nicholas had been careful to recount the ſurpriſe he heard expreſſed that any man ſhould move his Majeſty for making of biſhops in thoſe times, to which his Majeſty wrote inſtantly back that on no account was there to be any delay; and at the very moment theſe letters were thus interchanged, Mr. Oliver Cromwell had carried in the Commons, by a majority of eighteen, a motion for a conference with the Lords to ſtay the inveſtiture. "This buſi- "neſs," ſays D'Ewes, "was debated with as "great earneſtneſs almoſt as I ever ſaw in the "Houſe."

propoſal to make five new ones.

Cromwell's counter motion.

The earneſtneſs had certainly not abated a few days later, when, the time limited for pleading to the impeachment having arrived, the impeached biſhops were to put in their anſwer; and a demurrer was entered on their behalf ſo ſkilfully drawn up, that the curioſity was great to aſcertain its author. It came on for diſcuſſion in the Houſe; and the one of Hampden's counſel who had argued with moſt conſummate ability againſt ſhip-money, and who had not heretofore been very friendly to biſhops, Mr. Holborne, member for St. Michael's, and of late entirely leagued with

Biſhops' demurrer

Holborne ſupports biſhops.

Hyde, got up to ſupport it. Hereupon Sir Simonds D'Ewes, that wealthy and reſpected country gentleman and collector of precedents and records, who now ſat for Sudbury, ex-high-ſheriff of Suffolk but formerly ſtudent and barriſter of the Middle Temple, made a lucky hit. He complimented his learned friend; recalled the days when they uſed to meet at mootes in Lincoln's Inn, and admitted that, of all men, he was wont to get deepeſt into the points of a caſe; but, truly, he had this day ſo ſtrongly maintained the plea and demurrer of the biſhops, that he could not have performed it more exactly if he himſelf had drawn the ſame. Something here perhaps in Holborne's manner betrayed him, but a loud laugh burſt forth which was kept up ſome time. "All the Houſe laughed "ſo long," ſays D'Ewes, "as I was fain to "remain ſilent a good while; for I believe "many in the Houſe did ſuſpect, as well as "myſelf, that either the ſaid Mr. Holborne "had wholly drawn them, or at leaſt had "given his aſſiſtance therein." It was quite true; but the great ſhip-money lawyer took little for his pains in having thus come to the reſcue. Upon the ſucceſs of the demurrer, Pym headed a conference with the Lords; demanded, in the name of the Commons, that the votes of the biſhops ſhould be ſuſpended until the fate of the bill under diſcuſſion was decided; and ſo began the conflict with the Right Reverend Bench which ended in their committal to the Tower.

D'Ewes replies to Holborne:

raiſing laugh againſt him.

Beginning of the end.

In like manner it fared with the two other

queſtions, control of his Army and choice of his Counſellors, on which the King was himſelf moſt ſenſitive, and his friends in the Houſe moſt buſy and eager. Every move they made was outmoved. Vehement as were the excitements, and grave the dangers, of the Iriſh Rebellion, of the doubtful allegiance of the force under arms in England, and of the attempts in Scotland againſt Argyle and the Hamiltons, Pym ſeized and turned to inſtant advantage, as already we have ſeen on one ſubject, the equivocal poſition regarding all in which ill counſels had placed the King. Moves and counter moves.

At the ſame time, being far the moſt practical man in the Houſe, he never inſiſted upon any propoſition, however in itſelf deſirable, which carried with it the danger of dividing his party;* ſetting himſelf to diſcover, in all ſuch caſes, a leſs objectionable mode of effecting the ſame object; and Oliver St. John, who continued to hold the office of Solicitor-General, having pointed out the ill conſequence, to many members, of ſuch a reſolution as that objected to by Waller, abſolving the Houſe under any conditions from its neceſſary engagement to aſſiſt in reducing the Iriſh Rebellion, Pym at once recaſt his reſolution, and brought it forward in its new form on the 8th of November. Subſtantially it was the ſame as at firſt; but ſo expreſſed, that while it met the objection of St. John, it alſo met with greater directneſs what was known to be the purpoſe of the King. Aſſuming that his Majeſty ſhould not Poſition Prudence and ſagacity of Pym. Gives effect to ſuggeſtion of St. John.

* See other illuſtrations of this in my *Arreſt of the Five Members*, § xxiii.

of Houſe as to Iriſh Rebellion.

be graciouſly pleaſed to diſmiſs his evil counſellors, it declared that, while the Houſe would nevertheleſs continue in the obedience and loyalty due by the laws of God and the kingdom, yet they would take ſuch a courſe for the ſecuring of Ireland *as might likewiſe ſecure themſelves.* "I hope this ill news of Ireland," Charles had curtly written to Nicholas, in the midſt of the ſudden public horror at that appalling news, "I hope this ill news of Ireland may "hinder ſome of theſe follies in England!" Small chance of ſuch hope finding realization if a reſolution worded like Pym's might paſs the Houſe! Charles would have uſed the neceſſity for an armed force ſo as to direct it againſt Engliſh as well as Iriſh "follies." Pym ſaw what was meant, and rendered the ſcheme impoſſible.

Hopes of the King thereon.

Baffled by Pym.

Orlando Bridgman led the oppoſition, and after a long and fierce debate Pym's reſolution paſſed by a majority of 151 to 110. Then, at a conference with the Lords the following day, every ſtep to which had been hotly conteſted in the Commons, he obtained their conſent to the introduction of a ſimilar clauſe againſt evil counſellors into the inſtructions for requeſting help from the Scotch Parliament for ſuppreſſion of the Iriſh Rebellion; and this after a ſpeech conſummate in its power and effect, and remarkable for the ſubtlety of its argument againſt the Roman Catholic religion as in its full indulgence incompatible with the exiſtence in a State, not only of any other form of religion, but of any form whatever of political government and freedom. It is alſo a fact full of ſignificance that on the

Speech to the Lords againſt evil counſels.

ſame day when the reſolution embodied in this clauſe had paſſed the lower Houſe by a majority of forty-one, and the conference with the Lords was obtained, which was only two days later than that of the fierce reſiſtance of Hyde, Culpeper, and Falkland, and of Waller's high-flying parallel between Strafford and Pym, I diſcover that "Mr. Cromwell" moved and carried an addition to the ſubjects for conference: "that we ſhould deſire the Lords that "an Ordinance of Parliament might paſs to "give the Earl of Eſſex power to aſſemble, at "all times, the trained bands of the kingdom on "this ſide Trent, for the defence thereof, till "further orders therein taken by the Houſes."

Reſolution paſſed.

A motion by Oliver Cromwell.

Therein lay the ominous germ and beginning of the victorious army of the parliament! Such power as Cromwell thus obtained for Eſſex, during the pleaſure and under the authority of Parliament, the King had given him before his departure, with a limit of its duration to the period of his abſence in Scotland. But even more pregnant of diſaſter to the King's deſigns than the power thus inveſted in the moſt popular member of the Houſe of Lords, was the character of the authority by which the right ſo to give or to withhold ſuch power was aſſumed.

Germ of the Parliamentary Army.

Then for the firſt time had appeared the ill-boding claim of authority for an Ordinance of both Houſes in the abſence of the King. Nicholas haſtened to inform the King of the portent. A great lord had objected, he ſaid, and expreſſed doubts whether men might be raiſed without warrant under the Great Seal; whereupon, this doubt being made known in

Ominous claim put forth.

Ordinances *minus* the King.

the Commons' Houſe, it had been declared that an Ordinance of both Houſes was a ſufficient warrant for levying of volunteers by beating of the drum, "and an entry of ſuch their "declaration was accordingly made in the "Regiſter of that houſe." The letter of Nicholas is dated the 10th November, only two days later than Cromwell's reſolution. Meanwhile, however, the Queen appears to have ſent, upon this all important point, even earlier tidings to the King; for, in a letter dated the 12th November, only two days later than the communication to Nicholas, ſhe thus writes to him: "I ſend you a letter for Milord "Keeper, that the King did ſend to me to "deliver if I thought it fit. *The ſubject of it is "to make a Declaration againſt the Orders of "Parliament which are made without the King.* "If you believe a fit time give it him, if not "you may keep it till I ſee you." In the ſame letter ſhe tells Nicholas that the King will certainly be in London by the 20th of the month, and that he is therefore to advertiſe the Lord Mayor of London of the fact. The chief magiſtrate was duly informed, and haſtened to make good uſe of the time ſo given him: but the leaders of the Commons had already made proviſion for turning to ſtill better uſe the opportunity afforded by the time.

Alarm thereat.

Preparations for conflict.

§ x. Conflict Begun.

8th Nov. 1641.

In the afternoon of the ſame Monday the 8th of November when Pym's modified

reſolution againſt evil counſels paſſed, the "Declaration and Remonſtrance" was ſubmitted in its firſt rough draft for diſcuſſion by the Houſe. Never before was preſented to it, never ſince has it received, ſuch a State Paper as that!—Immediately upon its production, it was read at the clerk's table; whereupon ſeveral notices of motions for additions and amendments were given, and order was taken for commencing the diſcuſſion upon its ſeveral clauſes, *ſeriatim*, on the following morning at nine o'clock. Rough draft of Remonſtrance ſubmitted.

The character of the impreſſion at once made by it will be inferred from the inſtant communication of Secretary Nicholas to the King. On the evening of the ſame day, he wrote off to Scotland that there had been that afternoon brought into the Commons' houſe, and there read, a Declaration of the State of Affairs of the kingdom, which related all the miſgovernment and all the unpleaſing things that had been done by ill counſels ("as they "call it") ſince the third year of the reign until now. The further conſideration of it was to be had the next day in the Houſe; and ſo much was it likely to reflect to the prejudice of his Majeſty's Government, that Mr. Secretary "troubled" to think what might be the iſſue if his Majeſty came not inſtantly away from Edinburgh. Every line in the letter ſhowed the ſore perplexity the writer was in. He could not poſſibly account for this Remonſtrance ſatisfactorily as a party demonſtration. "Surely if there had been in this," he ſays, "nothing but an intention to have juſtified Nicholas writes to the King. Mr. Secretary's trouble. Urges King's

inſtant return: "the proceedings of this Parliament, they "would not have begun ſo high." He entreated the King to burn his letter, or he, Nicholas, might be loſt; and at its cloſe he again made urgent and anxious repreſentation to his Majeſty, that he could not poſſibly ſo much prejudice himſelf by at once leaving Edinburgh and all things there unfiniſhed, as by delaying his return to London even one day. The King's anſwer, avoiding the queſtion of the immediate return, as to which he had already communicated with the Queen, was not leſs urgent. "You muſt needs ſpeak with "ſuch of my ſervants that you may beſt truſt, "in my name, *that by all means poſſible this* "*Declaration may be ſtopped.*"

King's anſwer:

Stop the Remonſtrance!

Alas! this was not by any means poſſible. All that could now be done, by earneſt recruiting for the royal ſervice, was to arouſe and league firmly together, in deſperate oppoſition to the Remonſtrance and its authors, a band of members of the lower Houſe, even more fierce and only leſs determined than the other indiſſoluble league already pledged to ſupport it, and bent upon carrying it to the people. And ſo the ſtruggle began.

Forces organiſed for the ſtruggle.

§ XI. THE OPENING DEBATES: 9TH, 10TH, 12TH, 15TH, AND 16TH NOVEMBER.

First Debate: 9th Nov.

ON Tueſday, the 9th of November, the firſt debate was taken. The hour appointed for it was nine o'clock, but it did not begin till about twelve o'clock, and it continued until a

late hour. The order of procedure was firſt ſettled. The Declaration was to be read clauſe by clauſe; every member was to ſpeak to each clauſe, if he would; and if any ſpoke to have the clauſe amended, and that the Houſe gave leave, then it was to be amended, and the clauſe with the amendments put to the queſtion. Cromwell and Strode were among thoſe who moved the firſt amendments. At this firſt ſitting alſo, Bulſtrode Whitelocke, who ſat for Marlow, Serjeant Wylde, the member for Worceſterſhire, Mr. Henry Smith, the member for Leiceſterſhire and afterwards one of the King's judges, Sir John Clotworthy, who ſat for Malden, Mr. Wingate, the member for St. Albans, and Mr. Geoffrey Palmer, the member for Stamford, and formerly one of the managers of Strafford's impeachment, moved and carried inſertions and additions; all of them, with exception of the laſt, deſigned to make it more ſtringent and ſevere in tone. On the following day, Nicholas reported as uſual to the King. A fourth part had been gone through, compriſing nearly fifty clauſes; and the reſt of it, Mr. Secretary had learnt, was to be voted in the ſame way, as faſt as might be; after which it was to be tranſmitted ſtraightway to the Lords. The latter information was inaccurate; but the King's inſtant order to act upon it, though deſtined to be of no avail as to the upper Houſe, was a new incentive to activity in the lower. "Com-" mand the Lord Keeper in my name," he wrote, "that he warn all my ſervants to oppoſe "it in the Lords' houſe."

Procedure ſettled.

Movers of Amendments.

Report of Nicholas to King.

King's order thereon.

Second Debate: 10th Nov.

On Wedneſday, the 10th of November, ſays a member who took part in the debate, "we proceeded with the Remonſtrance where "we left off yeſterday." Inſertions and additions were again made, among them one having reference to ſlaviſh doctrines againſt the ſubject's property in his eſtate, very generally preached from pulpits before the King; and a peremptory order, iſſued at this ſitting, to the effect that the clerk ſhould on no account give out copies of the Declaration until the Houſe had fully perfected it, may ſerve to ſhow how intereſt was gathering around it from day to day.

No copies to be given out.

11th Nov. Speech by Strode.

The Iriſh Rebellion, and proviſion for the levies and expenditure it had ſuddenly rendered neceſſary, occupied the Houſe ſo inceſſantly during the ſitting of the 11th of November, that the order for reſuming the Remonſtrance had to be laid aſide; but a remarkable alluſion was thrown out in reference to it, by Strode, in the courſe of the debate on the raiſing money for ſupply of his Majeſty's wants in Ireland. He ſpoke of the diſſatisfaction of the people, and of the injuſtice of laying further burdens on them, until ſomething were done to reaſſure them under their preſent fears and miſgivings, and to give them hope that what with ſo much toil and ſacrifice had been lately gained was not again to be completely loſt. "Sir," ſaid the member for Beeralſton, "I move againſt "the order of the committee that we ſhould "not admit of the giving of money till the "Remonſtrance be paſſed this Houſe, and gone "into the country to ſatisfy them." This at

Deſtination of Remonſtrance avowed: to go to the people.

any rate was plain ſpeaking.* Thus early in the debates, the deſire and the deſign of the promoters of the Remonſtrance were frankly avowed. It was to be to them ſome guarantee that the army about to be raiſed for the ſuppreſſion of Iriſh rebellion, ſhould not hereafter be uſed for the ſuppreſſion of Engliſh liberty. It was to be printed and circulated among the people.

To be printed and circulated.

That was on Thurſday, the 11th of November. On the day following, the Remonſtrance was proceeded with, and every part ſo obſtinately diſputed, that the Houſe ſat far into that November afternoon. A motion for riſing having been reſiſted ſucceſsfully, another member moved that candles ſhould be brought. This was a proceeding as yet very rarely reſorted to; it having been only during the proceedings on the Attainder of Strafford that the order of the Houſe had been ſo far relaxed as to admit of new motions made, except with ſpecial permiſſion, after noon.† "Sir," ſaid

Third Debate: 12th Nov.

Motion for candles.

* Strode ſeems to have had the habit of blurting out in words, in a ſudden impulſive way, what the more reſerved of the party more prudently were content to leave as matter of inference from their acts. As to the queſtion of diſbanding the Scotch army, for inſtance, he frankly avowed: "We "cannot yet ſpare the Scotch. The ſons of Zeruiah are too "ſtrong for us;" for which, being called to order, the Houſe refuſed to exact any apology. (*Journals*, Feb. 6, 1640-1.) What he thus openly declared had till then (according to *May*, lib. i. cap. viii.) been aſſerted principally by the ill-affected, who not only in diſcourſe but written libels taxed the Parliament with it, imputing it to them as a crime of too much diſtruſt of the King, and accuſing them of having kept up a foreign army to overawe their own Prince.

Strode's manner of ſpeech.

Avowal as to Scotch army.

† I find, from the D'Ewes manuſcript before me, that on the 4th December 1640, on the motion of Strode, an order was made that "every one upon coming into the Houſe who did

the advocate for candles, who was no other than D'Ewes himſelf, "we have now been "ſitting in the houſe near upon ſeven hours" (the ordinary hour of meeting was eight o'clock in the morning, but of late, in conſequence of the prolonged ſittings, the hour had been generally nine, ſometimes even ten o'clock), "and we do not now think fit to riſe, but "we will ſtill ſit. I deſire that we may ſit "according to the ancient uſe of parliaments, "having the uſe as well of our eyes as of our "ears; and that lights may be brought in."

D'Ewes in favour of candles.

Private reports to the King.

On this very day, Nicholas had written ſomewhat more hopefully to the King that the Houſe had been the day before ſo employed about Iriſh affairs, that they meddled not with their Declaration: but after a very few days he has, leſs eagerly, to report that they have been making up for loſt time. "The Houſe "of Commons," he wrote, "haſtens by all "means the finiſhing of the Declaration or "Remonſtrance; and for the more ſpeedy "expediting of it, they have at the committee

Shilling fines. "not take his place, or did, after taking his place, talk ſo "loud as to interrupt the buſineſs of the Houſe from being "heard, ſhould pay a ſhilling fine, to be divided between the "ſerjeant and the poor." And to this order, on the motion of Sir John Strangways, the member for Weymouth, it was added "that after twelve o'clock no new buſineſs be entered "into, or moved, without the leave of the Houſe." More formally it was reſolved a few days later, upon the motion of Sir Walter Earle, the other member for Weymouth, "that "the ancient order of the Houſe be obſerved: namely, that "no bills be read the ſecond time but between the hours of "nine and twelve." To which it was added, at the ſuggeſtion of Mr. Speaker (Lenthal), that all bills might be read a firſt time, early in the morning. For further notices of ſuch orders and modes of proceeding in the Houſe, ſee *Arreſt of Five Members*, § xxiii.

Orders as to buſineſs:

as to reading of Bills.

"passed by many particulars to avoid the "delay of long debates."

In those few words were also expressed the steady perseverance and tenacity of what was truly to be called His Majesty's Opposition. Every inch of the ground was so contested, indeed, that only the most watchful and resolute determination could avail to maintain any part of it unimpaired; and all the forms of the House were exhausted in pretences for delay. The whole of the sitting of Monday, the 15th of November, was taken up with the discussion of the single clause which ultimately stood as the hundred and ninetieth. In this, adverting to the charges brought by the ill-affected party against the leaders of the House of Commons, it was affirmed, in contradiction of those charges, that not the meddling of the Commons with the power of episcopacy, but the idolatry and popish ceremonies introduced into the Church by command of the bishops themselves, were the causes why sectaries and conventicles abounded in England, and why Englishmen, seeking liberty of worship, had been driven into exile. A debate of extraordinary vehemence arose upon this word *command*. It was led by Sir Edward Dering, the member for Kent,* who but a

Tenacity of His Majesty's opposition.

Fourth Debate: 15th Nov.

As to bishops' favouring idolatry.

Speech by Dering.

* Poor Sir Edward Dering got himself only laughed at for his pains in going suddenly over to Hyde's party on this and the other question of the Bishops. He lost his seat in the House shortly after, and failed to obtain any standing with the Royalists. Yet he seems to have been an eloquent and on the whole a well-meaning man, and hardly to have deserved the sneers of Clarendon; who in his *History* (i. 416) characterises him as a man of levity and vanity, easily flattered by being commended; and goes so far as to assert that his "greatest motive" in moving the

Dering sneered at by Clarendon.

little while before had moved the reading of a bill for extirpating biſhops, deans, and chapters; and it was ſupported by Lord Falkland, who, on the 8th of the preceding February, had diſtinctly charged the biſhops with having deſtroyed unity under pretence of uniformity, with having brought in ſuperſtition and ſcandal under the titles of reverence and decency, with having defiled the Church by adorning the churches, and deſtroyed of the goſpel as much as they could without bringing themſelves into danger of being deſtroyed by the law. With a pettifogging worthier of Hyde than of himſelf, Falkland now joined Dering in aſking where proof was to be found that the biſhops had iſſued any "command" for the introduction of idolatry. Who hath read this command? they aſked. "Who hath "heard it? Who hath ſeen this commanded "idolatry?" The day cloſed while yet the debate had not; an order being made that the Remonſtrance ſhould be reſumed the next day at ten o'clock, and that meanwhile the clauſe which had then been debated ſo much, ſhould be recommitted to the committee that originally drafted it, to prepare it in ſuch a manner as might be agreeable to the ſenſe of the Houſe.

Falkland's former attack on Biſhops.

Preſent vehement defence.

Fifth Debate: 16th Nov.

On Tueſday, the 16th, the debate was reſumed accordingly; but the obnoxious word remained in the clauſe as again introduced,

trenchant bill againſt the Biſhops, was that he might have the opportunity of applying the two lines from Ovid,

Cuncta prius tentanda, ſed immedicabile vulnus
Enſe recidendum eſt, ne pars ſincera trahatur!

and after further hot debate, the queſtion of whether it ſhould ſtand paſſed to a diviſion. It was carried in the affirmative by a majority of 25, Sir Thomas Barrington, the member for Colcheſter, and Sir Martin Lumley, the member for Eſſex, being tellers for the 124 ayes, and Sir Edward Dering, with Sir Hugh Cholmley, the member for Scarborough, for the 99 noes. The diſcuſſion on this day again occupied nearly all the ſitting, and was only at laſt cloſed by the compromiſe of laying aſide ſome clauſes in which exception had been taken to parts of the Liturgy as ſavouring of ſuperſtition. Other changes, compriſing ſome additions, were alſo aſſented to; and theſe, with the Declaration as amended thus far, were referred to "the ſame committee that was "appointed for penning of it, and they are to "bring it back to the Houſe with all convenient "ſpeed.". A further conceſſion to the Oppoſition was at the ſame time made, in the addition to that committee of the names of Culpeper and Falkland.

Clauſe againſt Biſhops carried.

Compromiſe as to Liturgy.

Conceſſions to Oppoſition.

The two following days, Wedneſday and Thurſday, the 17th and 18th of November, were ſilent as to the Remonſtrance, but filled with matters of grave import having a direct bearing upon it. Complaints had been made of unauthoriſed and exaggerated accounts ſent abroad of the recent proceedings of the Houſe, and after debate an order was iſſued for peremptory ſuppreſſion of all preſent printing, "or "venting in manuſcript," of the Diurnal Occurrences of parliament. The examinations as to the new army plot were alſo completed, the

Unauthoriſed reports.

Suppreſſion of Printed and MS. Diurnals.

evidence leaving little doubt as to the deſign having been known to the King; and Pym moved and carried a reſolution, "that, in the "examinations now read unto us, we did con- "ceive there was ſufficient evidence for us to "believe that there was a ſecond deſign to "bring up the army to overawe the delibera- "tions of this Houſe." That was the moſt direct avowal yet made of a conſciouſneſs on the part of the Commons, not merely of what had taken the King to Scotland, but of what ſtill kept him there. The alarm and diſmay it carried with it, ſhowed how unerringly the mark had been hit.

Reſolution as to ſecond Army Plot.

§ XII. Preparations for the Final Vote. 19th Nov. and 20th Nov.

On the day after Pym's reſolution had been paſſed, Friday the 19th, Secretary Nicholas wrote with unconcealed alarm and miſgiving to his maſter. "The worſt in all that buſineſs "is, that it reflects on your Majeſty, as if "you had given ſome inſtructions concerning "the ſtirring up the army to petition the "Parliament. I hope it will appear that your "Majeſty's intentions were only to retain the "army in their duty and dependance on your "Majeſty." After which, in the ſame letter, Mr. Secretary went on to ſay, that there had been nothing done theſe two days by the Commons touching the Declaration remonſtrating the bad effects of ill counſels; but it was thought that the ſame would be finiſhed that week. There were, he added, divers well affected

Nicholas's fear for the King.

Progreſs of Remonſtrance reported.

ſervants of his Majeſty in the Houſe who had continued to oppoſe the Remonſtrance with unanſwerable arguments; but it was verily thought that it would paſs notwithſtanding, and that it would be "ordered to be printed" without tranſmiſſion to the Lords. Upon which it is to be obſerved as beyond queſtion, that manifeſtly there was no longer any concealment of the ultimate deſign of the leaders of the Houſe of Commons. Thus early, the deſtination of the Remonſtrance was known. Strode had already, indeed, argued upon the aſſumption of its being printed and diffuſed among the people, as a thing to be admitted; and any ſubſequent complaint, therefore, of being taken by ſurpriſe when the propoſition for the printing was formally made, could have been but a ſheer pretence on the part of its opponents.

Nicholas as to printing:

the deſign avowed.

While Nicholas was writing to the King, it had been brought back to the Houſe from the committee, purſuant to the laſt order; certain amendments to it had been violently debated, having reference to portions of the ſervice-book;* theſe ultimately, upon conceſſion by the majority, had been read and aſſented to, and certain other verbal alterations made; and another lengthened debate had given further

Sixth Debate: 19th Nov.

Amendments and

* I ſubjoin a characteriſtic paſſage from a ſpeech of Dering's delivered in this debate, as reported and preſerved by himſelf. "Why, Sir, at one of your committees I heard it publicly "aſſerted by one of the committee that ſome of our Articles "do contain ſome things contrary to Holy Scripture . . . I "ſtarted with wonder and anger to hear a bold mechanick "tell me that my creed is not my creed. He wondered at "my wonder, and ſaid, *I hope your worſhip is too wiſe to* "*believe that which you call your creed.*"

A bold mechanick.

verbal changes. opportunity for the "unanſwerable" arguments on the one ſide, and the quiet and reſolved anſwers on the other, which had now occupied the Houſe, with ſmall intermiſſion, ſince the 9th of November. Why ſhould you paſs this unneceſſary and unſeaſonable Declaration? urged Hyde and his friends once more.

Hyde's urgent appeal. It is unneceſſary to detail grievances, moſt of which are already fully redreſſed; and it is unſeaſonable to welcome home from Scotland, with ſuch a volume of reproaches, the very author of that redreſs, and to aſſail his Majeſty the King for what others have done amiſs, and for what he himſelf hath reformed. We propoſe to paſs it, was the determined anſwer of

Pym's reply: Pym and his aſſociates, becauſe we hold it to be neceſſary for the preſervation and maintenance of the conceſſions which have ſo been made. We believe ourſelves in danger of being deprived of all the good acts we have gained, if great care and vigilance be not ſtill uſed to diſappoint malignant counſels. They who moſt exalt the grace and bounty of the King in regard to thoſe good acts, have been

and vindication. moſt buſy to pervert the affections of the people from ourſelves in regard to the ſame matter. For our own acquittal, therefore, we would let the kingdom know in what ſtate we found it at our firſt convention, what fruit it hath received by our counſels, wherein we think the ſecurities obtained are not yet ſufficient, and ſuch further meaſures as in our conſciences we believe to be called for. Becauſe, though the prime evil counſellors have

A home thruſt. been removed, there are others growing up in

their places like to do quite as much miſchief. —To which laſt home thruſt, reply could not have been very eaſy!—It was late in the afternoon, when at the cloſe of this debate, the order was moved and carried that the Declaration ſhould be duly engroſſed, and again brought in at two o'clock the next day. All which having been accompliſhed, the Houſe was about to paſs to other buſineſs, when D'Ewes informs us that Mr. Speaker Lenthal made an appeal *ad miſericordiam* for himſelf. He ſhowed that he had been ſitting very late yeſterday (Thurſday 18th), that it was now paſt four o'clock, and that he really could not hold out daily to ſit ſeven or eight hours. Whereon the indefatigable Mr. Pym, admitting the appeal, ſuggeſted that the Houſe ſhould riſe, and that a grand committee ſhould preſently ſit.

Order for engroſſment.

Complaint of Mr. Speaker.

Lenthal relieved.

On Saturday, the 20th of November, at two o'clock, the Remonſtrance, engroſſed and finiſhed, was laid upon the table. Doubtleſs it was then expected by its ſupporters, and with ſome ſhow of reaſon, that after having ſtood the brunt of ſo many prolonged debates, it might be voted without further reſiſtance. A reſolution was accordingly moved upon its introduction, "that it be read and finiſhed to-"night;" which was met, however, by ſuch determined oppoſition, that Pym was obliged to yield, and the final debate was fixed for ten o'clock on the morning of Monday the 22nd. "Why would you have it ſtill put "off," aſked Cromwell of Falkland, as they left the Houſe; "for this day would quickly

Seventh debate: 20th Nov.

Final debate fixed.

Cromwell and Falkland.

"have determined it." To which Falkland made reply that there would not have been time enough, for ſure it would take ſome further debate. Oliver rejoined, "A very "ſorry one."*

Preparations for Laſt Debate.

Cromwell was miſtaken, no doubt. He was not in Hyde's confidence, and could not know of the deſperate party-move to be attempted on the occaſion of the laſt debate. But before this is deſcribed, and while the Remonſtrance, ready engroſſed, is lying on the table of the houſe, the time would ſeem to have arrived for the endeavour to preſent it to the reader, at once with ſufficient fulneſs for accurate reflection of all its ſtatements and in ſuch form as to render juſtice to the ſtriking narrative they embody, yet at the ſame time ſo compreſſed as to bring it within the limits of ordinary hiſtories. There, it ſhould long ago have had the place, from which it may hardly be too much to believe now, with ſome degree of

Remonſtrance lying on table.

Statement by Clarendon:

charge againſt Pym:

a miſrepreſentation.

* *Hiſt.* ii., 42. Clarendon tells the anecdote, however, in a ſenſe quite different from that which it derives from an authentic ſtatement of the circumſtances. It was in the ordinary courſe of the buſineſs of the Houſe that Pym had propoſed at once to bring the matter to a concluſion, but Clarendon (ii. 41) would have us believe that he made that propoſition in direct forfeiture of a previous engagement. "And by theſe and the like arts, they promiſed themſelves "that they ſhould eaſily carry it; ſo that, *the day it was to be* "*reſumed*, they entertained the Houſe all the morning with "other debates, and towards noon called for the Remon-"ſtrance," &c, upon which they were forced to go back to the firſt underſtanding of giving an entire day to the debate. Accordingly, he continues, "the next morning, the debate "being entered upon about nine of the clock," &c. Now, no ſuch incidents occurred. On the day fixed for the reſumption of the debate, it *was* reſumed, and at the hour preciſely which before had been arranged; namely, twelve o'clock. Clarendon's ſtatement is an entire miſrepreſentation.

confidence, that it never more can be excluded. In which expectation are here appended to it ſome notes of matters not lying on the ſurface of ordinary books, which will be found to illuſtrate and completely corroborate the moſt ſtartling of its averments. Propoſed hiſtorical illuſtrations.

And ſo to modern readers is committed that Great Vindication of the riſing of their anceſtors againſt the Sovereign in the ſeventeenth century, as to which one who oppoſed it eloquently through all its ſtages thus frankly confeſſed the ſecret of his oppoſition: "*Sir, this Remonſtrance, whenſoever it paſſeth, will make ſuch an impreſſion, and leave ſuch a character behind, both of his Majeſty, the People, and the Parliament, and of this preſent Church and State, as no time ſhall ever eat it out, while hiſtories are written, and men have eyes to read them!*" Dering on the Remonſtrance.

ABSTRACT OF THE GRAND REMONSTRANCE.

1. *The Preamble: Purpoſe aimed at.*

THE Preamble, conſiſting of twenty not numbered clauſes, and opening in the name of "the Commons in the preſent Parliament aſſembled," begins by declaring that for the paſt twelve months they had been carrying on a ſtruggle of which the object was to reſtore and eſtabliſh the ancient honour, greatneſs, and ſecurity, of the Nation and the Crown. That during this time they had been called to wreſtle Struggle of paſt twelve months.

with dangers and fears, with miſeries and calamities, with diſtempers and diſorders ſo various, great, and preſſing, that for the time the entire liberty and proſperity of the kingdom had been extinguiſhed by them, and the foundations of the throne undermined. And that now, finding great aſperſions caſt on what had been done, many difficulties raiſed for the hindrance of what remained to do, and jealouſies everywhere buſily fomented betwixt the King and Parliament, they had thought it good in this manner to declare the root and growth of the deſigns by which ſo much miſchief had been cauſed; the heighth to which theſe had reached before the beginning of the preſent Parliament; the means that had been uſed for extirpating thoſe miſchievous deſigns; and, together with the progreſs made therein, the ways of obſtruction by which ſuch progreſs had been interrupted, and the ſteps ſtill remaining to be taken as the only courſe whereby the obſtacles at preſent intervening could be finally removed.

Why Remonſtrance introduced.

Neceſſary to completion of Reforms.

Then, in expreſs terms, they ſtate the general plan or ſcheme of the authors of thoſe evils, as a conſpiracy to ſubvert the fundamental laws and principles of government on which alone the religion and juſtice of the kingdom can firmly reſt; and they denounce the conſpirators as threefold, (1) the jeſuited papiſts, (2) the biſhops and ill-affected clergy, and (3) ſuch counſellors, courtiers, and officers of ſtate, as had preferred their private ends to thoſe of his Majeſty and the Commonwealth. All three claſſes of conſpirators, they continued,

Court conſpiracy:

to ſubvert Laws:

had principles and counſels in common; and theſe were to keep up continual differences betwixt the King and People, and to lower and degrade the Proteſtant religion through the ſides of thoſe beſt affected to it. To the end that ſo, on the one hand, ſetting up the prerogative whenever a queſtion of liberty was mooted, diſcrediting the claims and authority of Parliament, and ever pretending to be *ſiding* with the King, they might get to themſelves the places of greateſt truſt and power, putting him upon other than the ancient and only legitimate ways of ſupply; and, on the other hand, by cheriſhing to the utmoſt ſuch views of church doctrine and diſcipline as would eſtabliſh eccleſiaſtical tyranny, by ſowing diſſenſions between the common Proteſtants and thoſe whom they called Puritans, and by including under the name of Puritans all who deſired to preſerve unimpaired the public laws and liberties and the purity and power of the true religion, they might be able ultimately to introduce ſuch opinions and ceremonies as would neceſſarily end in accommodation with Popery.* For, of the three elements of the

to degrade Proteſtantiſm:

to diſcredit Parliament.

Upholders of right nicknamed Puritans.

* "It ſeemed that their work," ſaid Falkland, in one of his admirable ſpeeches againſt Laud and his aſſociates (already ſpoken of, *ante*, 208), "was to try how much of a Papiſt "might be brought in without Popery; and to deſtroy as "much as they could of the Goſpel without bringing them-"ſelves into danger of being deſtroyed by the Law. . . . "The deſign has been to bring in an Engliſh though not a "Roman Popery: I mean, not only the outſide and dreſs of "it, but an equally abſolute and blind dependence of the "people upon the clergy, and of the clergy upon themſelves. "They have oppoſed the papacy beyond the ſeas that they "might ſettle one beyond the water." [He means at Lambeth.] "Nay, common fame is more than ordinarily falſe, if

Falkland againſt Laud.

Propoſed Pope at Lambeth.

Popery the chief conſpirator.

conſpiracy, *that* was the ſtrongeſt. And as in all compounded bodies, ſo in this, the operations had been qualified and governed throughout by the predominating element.

Such in ſubſtance was the preamble to the Great Remonſtrance; of which all that followed was in the form of practical proofs and illuſtrations. Theſe were contained in two hundred and ſix numbered clauſes; each clauſe, as we have ſeen, having been put ſeparately to the Houſe, and ſo voted.

2. *Firſt, Second, and Third Parliaments of Charles.*

Clauſes 1—6.

THE firſt ſix had relation to the Firſt Parliament of the reign, and to the recovery of ſtrength by the Popiſh party after their diſcomfiture by the breach with Spain at the cloſe of the reign of James. Two ſubſidies had been given by that parliament, yet it was diſſolved without the relief of a ſingle grievance; and then followed the diſaſters of Rochelle, the deſertion of the Proteſtant party in France, the diſcreditable attempt on Cadiz, the abandonment of the Palatinate and of the Proteſtant ſtruggle in Germany, the wrongs inflicted on merchants and traders, the preſſing and billeting of ſoldiers * in all parts of the king-

Incidents of firſt Parliament.

Engliſh livings and Romiſh opinions.

"none of them have found a way to reconcile the opinions of "Rome to the preferments of England; and to be ſo abſo-"lutely, directly, and cordially papiſts, that it is all that "fifteen hundred pounds a year can do to keep them from "confeſſing it."

* The intolerable wrong and miſery implied in this grievance will be better underſtood by reminding the reader of the paſſionate ſpeech of Wentworth (afterwards Earl of Strafford)

dom, and the endeavour, happily fruſtrated, to introduce therein large bodies of mercenary troops.

The next four clauſes deſcribed the Second Parliament, its diſſolution after a declared intention to grant five ſubſidies, and the ſubſequent levy of thoſe ſubſidies, not by parliamentary authority, but by the ſole order of the King. Commiſſions of loan were iſſued, and all who refuſed were impriſoned; many contracting ſickneſſes in priſon from which they never recovered. Privy ſeals went forth, raiſing enormous ſums. Court waſte and profuſion were ſpoken of on all ſides, while the people were unlawfully impoveriſhed.* And a com-

Clauſes 7—10.

Incidents of ſecond Parliament.

in the debates on the Petition of Right, in which, referring to the billeting of ſoldiers, he exclaims, "They have rent "from us the light of our eyes! enforced companies of "gueſts worſe than the ordinances of France! vitiated our "wives and daughters before our faces!" In the Verney Papers, Mr. Bruce prints the ſubjoined very curious return of recuſant pariſhes in the three hundreds of Aſhindon.

Billeting grievances.

"A retorne of thoſe pariſhes that doe refuſe to paye for "the billiting of ſoldiers in my diuiſion with in the three "hundreds of Aſhindon.

	li.	*s.*	*d.*
"Cherſly. Mr. Thomas Britwell, John Winter, "with the reſt	1	13	3
"Brill. George Carter, Mr. John Pim, Mr. Wil- "liam Pim, Mr. John Caſwell, with the reſt	2	4	0
"Ilmor. Thomas Lyeborn, Edmon Brooks, with "the reſt	1	6	0
"Lurgeſall. The whole pariſh	1	18	3
"Borſtall. The whole pariſh	1	13	6

"*Per me*, Edward Bulſtrod."

Liſts of recuſants.

The two Pyms named in this return, if not connections or relatives of the great ſtateſman, at leaſt were worthy of the name they bore.

* In the *Diary of Walter Yonge, from 1604 to 1628*, edited by Mr. Roberts for the Camden Society (1848) with an intereſting and well-informed introduction about the leading

Yonge's *Diary*.

miſſion under the great ſeal exacted payments from the ſubject by way of exciſe, to an extent and in a manner before unheard of.*

Clauſes 11—16. The Third Parliament; the attempt, by a ſurreptitious declaration, to evade its enactment of the Petition of Right; its forcible

Incidents of third Parliament. diſſolution; the impriſonment and perſecution of its moſt diſtinguiſhed members; and the Royal Declaration printed and diſperſed among the people to diſcredit and diſavow its pro-

weſtern families (Yonge was a Devonſhire magiſtrate and member for Honiton), the two following notices occur in cloſe juxtapoſition (p. 98):

Proceedings to get money. (1) "December, 1626. The King having determined "heretofore to demand of all his ſubjects ſo much money by "way of loan as they are ſet in ſubſidy, viz.: he that's ſet "at 20*l.* in ſubſidy to lend unto the King 20*l.*, the judges "were urged to ſubſcribe. They paid their money, but re- "fuſed to ſubſcribe the ſame as a legal courſe: for which Sir "Randall Crewe, Chief Juſtice of England, had his patent "taken from him, and he was diſplaced *Ter. Michael.* 1626, "*anno 2 Caroli.* The privy council ſubſcribed; the lords "and peers ſubſcribed, all except fourteen, whereof ſix were "Earls: viz. Earl of Eſſex, Earl of Warwick, Earl of Clare, "Earl of Huntington, Earl of Lincoln, and the Earl of "Bolingbroke, being Lord St. John."

How ſpent. (2) "The Duke of Buckingham feaſted the King, Queen, "and French Ambaſſador, and beſtowed 4000*l.* in a banquet. "The ſweet water which coſt him 200*l.* came down the room "as a ſhower from heaven; the banquet let down in a ſheet "upon the table, no man ſeeing how it came; with other "pompous vanities to waſte away and conſume money, the "country being in poverty, and more neceſſary occaſions for "it."

Any one who cares to purſue this ſubject will find many important illuſtrations of it among the Clarendon *State Papers*.

Amendments by J. C. * Among the notices for additions to the original draft of the Remonſtrance, entered on the Journals, the ſubjoined appear with the initials J. C. and may doubtleſs be aſſigned to Sir John Clotworthy.

"The laſt expedition into Germany.

"The loans upon Privy Seal.

"The Commiſſion of Exciſe."

ceedings,* and give colour or excuſe for the violence uſed to its chiefs; form the ſubject

* It was on the motion of Strode, member for Beeralſton, when the Remonſtrance was before the Houſe, that there was ordered to be inſerted therein a mention of Addition by Strode.

"The Declaration ſet forth upon the breach of both "Parliaments."

Some remarkable illuſtrations of the exciting incidents which immediately preceded and very ſhortly followed the ill-fated diſſolution of this great Parliament, have been found among the family papers of the Moundefords of Norfolk. I ſelect one or two out of many paſſages which furniſh traits and characteriſtics of the lawleſs time, and throw a ſurpriſingly vivid light upon the alluſions in the Great Remonſtrance. From London, the 14th April, 1628, Sir Edmund Moundeford, member for Thetford in the Third Parliament then ſitting, and who ſat for Norfolk in the Long Parliament, writes: "We "went this afternoon with our Speaker to the King to deliver "him a petition for the billeted ſouldiers, what anſwer we "ſhall have is not known. Our houſe proceeds not with that "calm it did. God grant a good end." On the 5th of the following month he writes: "Sorrye am I to be a meſſenger "of ſadd tidings. The feares of an ill ending of this Parlia-"ment are now growne ſo great as they command beliefe. "Our laſt day is appointed to-morrow ſeven-night, and we "are as farre from ending our worke as when wee began." In the interval between the Third and the Long Parliament, he writes: "We have no new ſheriffs pricked, nor ſhall not "(it is ſaid) untill the now ſheriffs have accounted for this "ſhip-money: in ſome counties they pay, in others not, *and "many make the ſheriffs take diſtreſs.* New impoſitions are "ſet upon fruit, ſilver, pewter, pines, and divers other things "to the value 80,000 li. p^r^ ann. *There is a patent to be "granted for making Salt, which will make us all ſmarte.*" From Drury Lane, on the 13th of November 1632, he writes: "On Wedneſday laſt, one Mr. Palmer was cenſured 1,000 li. "in the Star Chamber for living in London contrary to the "Proclamation, *and yet he was a Batchelor, and never had "family, and lately had his manſion houſe burnt in the countrie. "There is diligent ſearch made by the conſtables of everie "ward, and the names taken of all ſuch lodgers as lay in towne "the laſt vacation.*" The alluſion in this laſt letter is to one of the moſt ſcandalous of all the projects for the plunder of the ſubject ſet on foot by this reckleſs government to enrich the exhauſted treaſury of the King. A Proclamation came forth from the Council Table commanding all who could not ſhow their ſtay in London to be abſolutely neceſſary, to go within forty days and reſide in their reſpective counties and at

Moundeford MSS.

Billeting ſoldiers.

Sheriffs and ſhip-money.

Projects for plunder of ſubject.

of the ſix following clauſes.* Strenuous as had been the ſtruggle to paſs the Great Petition, its only uſe had been to ſhow with what reckleſs preſumption, by wicked and daring miniſters, the laws had been broken and the liberties ſuppreſſed which therein were ſo ſolemnly and recently declared. And what, meanwhile, had been their ſufferings, whoſe only crime was to aſſert the laws, and who could be puniſhed only by their entire ſubverſion? The repreſentatives of the people had been flung into priſon, and there treated like felons for words ſpoken in parliament. All the comforts of life, all means of preſervation of health, all more neceſſary means of ſpiritual conſolation, were denied to them. Not ſuffered to go abroad to enjoy God's ordinances in God's houſe, His miniſters not permitted to miniſter comfort in their priſons, the liberty of reading

Violation of Petition of Right.

Impriſonment of Members.

their manſion houſes, "in order to hinder them from waſting "their eſtates" (!); and by the example which Sir Edward Moundeford here furniſhes, ſome idea may be formed of the atrocities perpetrated under cover of this Proclamation. How truly ſays Biſhop Warburton (Notes on *Hiſt. of Reb.* vii. 579) that every now and then a ſtory comes out which ſhows the Court to have been ſo exceedingly tyrannical as to abate all our wonder at the rage of thoſe who had been oppreſſed by it.

Atrocities of the Court.

* Several of theſe clauſes appear to have received additions in the Houſe; and to ſeveral notices of motions in the Journals that the conſideration of ſuch and ſuch particulars ſhould be added, are appended ſometimes initials, ſometimes the abbreviated name, more rarely the name in full. One name is thus given:

Authors of Amendments.

"*Pal.* The additional explanation to the Petition of "Right."

Which may ſtand for Geoffrey Palmer, the Member for Stamford, who took a leading part in the debates; or it may be intended for Sir Guy Palmes, member for Rutlandſhire: the former is the more probable.

and of writing taken from them; in ſuch miſerable durance, years upon years had paſſed. Towards the cloſe of the ſecond year, indeed, ſome had been releaſed, yet not without heavy fines, and the ſhame of being enforced to give ſecurity for good behaviour: but others might have wearied out their lives in impriſonment, if, eighteen months ago, a parliament had not come; and to one, the moſt diſtinguiſhed of them all, after four years' tedious miſery, there had come a mightier friend. In the laſt days of November, 1632, the brave and dauntleſs Eliot died in the Tower. Petition after petition had been ſent up for his releaſe; application had been made for but a few months' freedom, even to give him ſtrength to bear further impriſonment; without ſuch temporary change, his phyſician had teſtified that he muſt periſh; but a cold and ſtern refuſal was the only anſwer vouchſafed, and the end came which was paſt remedy, and never to be redreſſed. His blood cried for vengeance ſtill; * or for repentance of thoſe Miniſters of State who had ſo obſtructed the courſe alike of his Majeſty's juſtice and his Majeſty's mercy.

Heavy fines.

Sufferings and death of Eliot.

His blood crying for vengeance.

* There was no wrong which Pym appears more deeply to have reſented than this murder (for ſuch it really amounted to) of his great aſſociate in the former parliaments of the reign. The little parliament (which met in April, 1640) had not aſſembled many days when Pym moved "that it be "referred to the committee of the Tower to examine after "what manner Sir John Eliot came to his death, his uſage in "the Tower, and to view the rooms and places where he was "impriſoned and where he died, and to report the ſame to "the Houſe."

Eliot's uſage in Tower.

3. *Government by Prerogative: from Third Parliament to Pacification of Berwick.*

Clauſes 17—60.

THE long and terrible interval which ſucceeded, and which only Laud's mad reſolve to impoſe the ſervice-book on Scotland at laſt abruptly cloſed, during which no parliament met, and the people were forbidden even to ſpeak of parliaments,*—forbidden merely to look back to their ancient liberty,—fills forty-four clauſes, up to the ſixtieth inclufive. Then paſſed over the land a net-work of tyranny ſo elaborate and comprehenſive, that, excepting only its agents and projectors, not a ſingle claſs of the community eſcaped it. Nearly all men ſuffered alike, in lands, goods, or perſon; nor was there left to any one that which ſafely he could call his, except the wrong, and the too patient endurance.

Government by Prerogative.

Clauſes 17, 21, 22, 31, 44, 45, and 49.

Obſolete laws and ſervices which it was hoped had been extinguiſhed for ever, confronted ſuddenly all families of reaſonable condition. Old laws of knighthood were revived; and ſuch ſums exacted for default, as, whether in reſpect of the perſons charged, the fines demanded, or the modes of exaction, were entirely monſtrous. By fines and compoſitions for wardſhips alone,† eſtates were

Revival of feudal ſtatutes.

* During the firſt diſcuſſion of the Remonſtrance, Mr. Wingate, member for St. Alban's, moved that there ſhould be named therein

"The Proclamation ſet forth, forbidding people ſo much "as to talk of a parliament."

† Some notion of the advantage taken, for purpoſes of extortion, of thoſe obſolete feudal ſtatutes, may be derived

weakened paſt help. Coat and conduct money,* and other military charges, were either preſſed as due, or, failing that claim of right, were required as loans. Without a ſhadow of pretence, either in fact or law, the ancient ſecurities and charters of real property were everywhere violated; and from foreſts where never any deer fed, from depopulations where never any farm was decayed, and from encloſures where never any hedges were ſet, charges unceaſing and inſatiable were drawn againſt the land.† When flaws in title were

Ancient charters broken.

from the documents in the Verney Papers relating to Mrs. Mary Blacknall, who had the misfortune, on her father's death, to become a ward of the Crown, and four of whoſe maternal relations, "Anthony Blagrove the elder, Anthony "Blagrove the younger, both of Bulmarſh, Richard Libb "eſquire of Hardwick in the county of Oxford, and Charles "Wiſeman eſquire of Steventon in Berks," are obliged to purchaſe from the Court of Wards (that is, the Government) freedom from oppreſſion, and mere ordinary rights of citizenſhip, by payment to the Crown of a fine of 2000*l*, half of which is paid down, and a bond given for the remainder.

Wardſhip extortions.

* This oppreſſive tax was aſſeſſed on the ſeveral hundreds ſeparately, each being obliged to ſupply its quota of men by preſſing or enliſtment, in proportion to its ſize and the number demanded; one ſhilling being paid to each man, fourteen ſhillings levied for the coſt of his "coat," and two other payments made ſeverally, as remuneration to the conſtable who took him to the place of embarkation, and as fine or charge for his "conduct," or expenſes on the way.

Coat and conduct money.

† From a Schedule of Grievances largely circulated through the country before April 1640, I ſelect one or two items:

"The new taxe of Coate and Conduct Mony, with undue "meanes uſed to inforce the payment of it, by meſſengers "from the counſell table."

"The infinite number of Monopolies upon everything the "countryman muſt buy."

"The rigid execution of the Forreſt laws in theire extremity."

"The exaction of immoderate fees by ſome officers under "the Lord Chief Juſtice in Eyre."

Schedule of Grievances. April, 1640.

Packed juries and robberies by law.

alleged, they were judged by packed juries; and when commiſſions of inquiry into exceſſes of fees or fines were iſſued, they were made but additional means of increaſing and confirming the grievance. They ended, for the moſt part, in compoſitions with the delinquents themſelves; ſo that offences to come were compromiſed as well as the offences paſt, and a complete impunity eſtabliſhed for future wrongs. To theſe matters were devoted the 17th, 21ſt, 22nd, 31ſt, 44th, 45th, and 49th clauſes.

Clauſes 18, 19, 20, and 24.

Nor was the lot of the merchant and trader, in this diſaſtrous interval, more to be envied than that of any owner of a moderate eſtate. In the very teeth of the Petition of Right, tonnage and poundage were again levied, with many other ſimilar impoſitions, of which ſome were in a diſproportion ſo monſtrous, that the amount of the charge exceeded the entire value of the goods. The book of rates generally was alſo enhanced to ſuch an extent that the ordinary tranſactions of commerce became impoſſible. And though, for theſe violent aſſeſſments, there was ſet up the notable pretence of duly guarding the ſeas; and though there was ſuddenly added thereto that new and unheard of tax of ſhip-money,* by which, for

Monſtrous taxation of commerce.

Pretence of guarding ſeas.

Finch was at this time Chief Juſtice of the Common Pleas, and no part of his conduct in the circuit in Eyre more exaſperated the people than his extending the boundaries of the foreſts in Eſſex, and annihilating the ancient perambulations.

The tax leaſt ſupportable.

* In the above-named "Schedule of ſuch Grievances as "moſt oppreſſe this country," largely circulated in the early part of 1640, ſtands firſt "The illegall and inſupportable "charge of ſhip-money, now the fifth yeere impoſed as high "as ever, though the ſubject was not able to pay the laſt

many years, with the help of the book of rates, near upon 700,000*l.* was yearly taken by the Crown; the ſeas meanwhile were left

Ship-money.

"yeer, beeing a third." The Lord Deputy Wentworth's newſwriter gives us curious notices of this memorable tax, "word of laſting ſound in the memory of this kingdom;" but even his goſſiping letters loſe ſomething of their careleſs tone in talking of it, and ſhow that he alſo winces and ſmarts under the preſſure no one can eſcape. In one year, Mr. Garrard ſays, "it will coſt the city at leaſt 35,000*l.*" He names particular aſſeſſments to the amount of 360*l.* and 300*l.*: "great ſums to pay at one tax, and we know not how often "it may come. It reaches us in the Strand, being within "liberties of Weſtminſter, which furniſheth out one ſhip— "*nay lodgers*, for I am ſet at 40*s*; but I had rather give and "pay ten ſubſidies in parliament than 10*s.* this new-old way "of dead Noy's." And as in the cities, ſo in the country. "Mr. Speaker," ſaid Sir John Culpeper, "this tax of ſhip-"money is the grievance which makes the farmers faint, and "the plough to go heavy." So intolerable was it everywhere, indeed, that the priſons were literally filled with thoſe who had refuſed and reſiſted payment, before the Crown (which, through the judges on circuit, had reſiſted every former attempt to bring the queſtion into the courts as refuſing even to admit a doubt of its legality) conſented to appear to Hampden's plea. The Court lawyers had ſelected Hampden as a better man to fight it out with, than the leſs affable and apparently more obdurate Lord Saye; but here, as everywhere, they were fated to diſcover their miſtake. I give a curious note (not otherwiſe reported) as to Lord Saye's ſubſequent proceedings:

Hardſhips of ſhip-money aſſeſſment.

Priſons filled.

Hampden one of many recuſants.

"March 19, 1638-9. Shipmoney, determined for the "king by his prerogative, argued Eaſter and Trinity Term. "In Michaelmas term, the lord Saye brought his action "about it to the King's Bench barre. Mr. Holborne, pleading ſtrongly for him, was rebuked by Judge Bartlet "[Berkeley], becauſe it was determined as before. He "alleged a preſident when ſuch determinings have been "againe queſtioned. Judge Crooke alledged preſidents. "Judge Joanes ſaid they were not like. Sir Jo. Brampton "[Bramſton] alledged that they had no preſident like this, "viz. to call the thing in queſtion the next terme, and before "the judges' faces that did determine it. The lord Saye "affirmed, that if their Lordſhips wold ſay it were lawe, then "he wold yeeld; but otherwiſe not, to the wronging of his "country. He hath time to conſider until the next terme."

Lord Saye's reſiſtance: deciſion in his caſe.

Pym, in his great ſpeech in the little parliament, ſtruck at

Seas wholly unguarded.

ſo utterly unguarded that the Turkiſh pirates ranged through them uncontrolled, repeatedly taking great ſhips of value, and conſigning to ſlavery many thouſands of Engliſh ſubjects.*

Pym on ſhip-money.

the root of the extraordinary and univerſal reſiſtance provoked by this tax when he pointed out, that it extended to all perſons and to all times, that it ſubjected goods to diſtreſs and the perſon to impriſonment, that, the King being ſole judge of the occaſion, there was no poſſibility of exception or relief, and that there were no rules or limits for the proportion, ſo that no man, under it, knew what eſtate he had, or how to order his couſſe or expenſes. It is quite a miſtake to ſuppoſe, as ſome have repreſented, that it was a light tax; and that Hampden, well able to afford it, oppoſed it only on principle.

Not a light tax.

No man, not the wealthieſt in that day, was able to afford it. It muſt, ſooner or later, have broken him down.

* "About the end of March, 1627, Sir William Courtenay "his houſe of Ilton, near Salcomb, in Devon, was robbed; "and much of his pewter plate and houſehold ſtuff carried "away. It was done by certain pirates, which came up in "boats from Salcomb, and fled the ſame way they came "without apprehenſion"—*Diary of Walter Yonge:* to which paſſage a valuable note is appended by the editor. The ſovereignty of the ſea was as yet but the emptieſt of claims. Pirates of all lands ſwept our coaſts during the whole of this period of government by the ſole will of the King. Piracy had become indeed ſo much more profitable than honeſt trading that many Engliſhmen turned Turks and lived at Tunis. Sir Francis Verney is ſuppoſed to have been among them; and Mr. Bruce (in his moſt intereſting collection of Verney Papers, printed for the Camden Society, 95-102) does not effectually rebut the ſuppoſition. "Aſſiſted by Engliſh-"men," ſays the editor of Yonge's *Diary*, "the Barbary "corſairs not only ſcoured the Engliſh and St. George's "Channels, but even diſembarked, pillaged the villages, and "carried the inhabitants into ſlavery, to the number of ſeveral "thouſands.... One veſſel the Algerines captured was worth "260,000*l.* The Dutch reſumed their fiſhing without a "licence, and captured two rich Eaſt Indiamen. France, "Spain, and Holland violated the neutrality, and inſulted "the Engliſh flag. The French ſcoured the Severn in "1628 . . . So late as the year 1633, Lord Wentworth, ap-"pointed lord-deputy of Ireland, names noted pirate veſſels "off the coaſt of Ireland, and their captures. The Turks "carried off a hundred captives from Baltimore in Ireland, "in 1631. They landed their poor captives at Rochelle and "marched them in chains to Marſeilles. And in 1645, the

Piracies in the Channel.

Inſults to Engliſh flag.

It was in vain that the leading merchants would have appealed to the law. The ordinary courſe of juſtice, the common birthright of the ſubject of England, was cloſed to them. The moſt diſtinguiſhed of their number who made the trial was dragged into the Star Chamber, fined 2000*l*, kept twelve years in priſon, and releaſed a beggar.* Theſe things are the ſubject of clauſes 18th, 19th, 20th and part of the 34th. No laws to appeal to. Caſe of Richard Chambers.

Other wrongs, too, equally grave, the mer-

"Turks carried off twenty-ſix children at one time from "Cornwall." The editor has a curious bill of expenſes for "ſending pirates with their hands tied behind them on horſe-"back to Dorcheſter gaol." Captures by Turks.

* A man had but to queſtion the moſt profligate deciſions of the Courts to be dragged into the Star Chamber. One inſtance of a different kind, ſhowing the deep reſentment of the people at ſuch proceedings, is well worthy of preſervation. Of the twelve judges who pronounced on ſhip money, three diſſented, of whom Hutton was one; and a clergyman named Harriſon was brought before a jury for having charged Judge Hutton with treaſon, in having denied the King's prerogative in the matter of ſhip money. The jury gave 10,000*l*. damages againſt him; a judgment diſallowed, but evincing unmiſtakeably the feeling of the people. That was in 1638-9. I may add, not leſs as a valuable illuſtration of this part of the ſubject, than as a good ſpecimen of Hyde's tone in the Houſe at this time, a few ſentences from his ſpeech upon the miſdoings of the Bench of Judges. "The great reſolution in "ſhip money was a crime of ſo prodigious a nature, that it "could not be eaſily ſwallowed and digeſted by the con-"ſciences even of theſe men; but as they who are to wreſtle, "or run a race, by degrees prepare themſelves by diet and "leſſer eſſays for the main exerciſe, ſo theſe judges enter "themſelves, and harden their hearts, by more particular "treſpaſſes upon the law—by impoſition and taxes upon the "merchant in trade, by burdens and preſſure upon the gentry "by knighthood—before they could arrive at that univerſal "deſtruction of the kingdom by ſhip money; which promiſed "them reward and ſecurity for all their former ſervices, by "doing the work of a parliament to his Majeſty in ſupplies; "and ſeemed to elude juſtice in leaving none to judge them, "by making the whole kingdom party to their oppreſſion." Popular ſympathy for Judge Hutton. Hyde's ſpeech againſt the Judges.

Clauſes 27, 28, 29, 30, 33, 34, and 35.

chant ſhared with the maſs of his countrymen. As with the Petition of Right, which had been ſolemnly enacted only eight months before, ſo it fared with the ſtatutes againſt monopolies and projectors, won by as hard a ſtruggle in the fourth parliament of James, and which now had been the law for many years. Again had monopolies and protections of every kind ſprung up into exiſtence, and the whole community ſmarted and groaned under them. There were monopolies of ſoap, of ſalt and ſaltpetre, of wine, of leather, of coals; literally, of everything in moſt common and neceſſary uſe; and, as the immediate and univerſal conſequence, not merely were the moſt extravagant prices required to be paid for everything ſo protected, but articles of the worſt quality, and ſubject to the baſeſt adulterations, were ſure to be ſupplied. Purveyors, clerks of the markets, ſaltpetre men,* became bye-words of petty oppreſſion. Not only a man's unavoidable daily wants, but his trade, his employment, his habitation, anything, ſerved as the pretext for ſome vexatious reſtraint to his liberty. If he would build near London, he found ſuch building was adjudged a nuiſance, and had to pay ſome projector for permiſſion to inflict the nuiſance on his neighbours. If he would trade at ſea, he was ſurpriſed, even there, by the projector, as by a foreign enemy. Merchants commonly were prohibited from unlading their goods in ports for their own advantage, and

Monopolies revived:

all neceſſaries of life protected and debaſed.

Reſtraints on enterpriſe.

* Bulſtrode Whitelocke moved and carried, in the Houſe itſelf, this addition of "the abuſes of Purveyors and Saltpetre men."

compelled to unlade in places for the advantage of monopoliſers and projectors. There was alſo a ſcheme of braſs money ſet on foot * which would have had the effect of beggaring the whole kingdom at a ſtroke, by ſummary and ſimultaneous proceſs. And when ſome ſolitary citizen was occaſionally moved to reſiſtance, it was but to diſcover that what he had imagined to be courts of law for the determination of the ſubjects' rights, were now become courts of revenue to ſupply the treaſury of the King. The common reſult of ſuch reſiſtance was long and hard impriſonment; loſs of health to many, loſs of life to ſome; and theirs was an enviable lot, who eſcaped with the mere breaking up of their eſtabliſhments and the ſeizure of their goods.† The points ſo dwelt

Debaſement of currency.

Courts of law become courts of royal revenue.

* "About the month of July, 1638, there was a project "on foot for braſſe money. It was ſolemnly debated whether "it be for his Majeſty's ſervice to coine braſſe money, and to "make the ſame currant within his dominions."—*Diary of Rous*, p. 95. Of the conſequences that muſt immediately have enſued upon this wicked propoſal to debaſe the coin of the realm, it is needleſs to ſpeak; but ſome of them are detailed in a paper printed by Rous, pp. 95—98. Lord Falkland made a happy alluſion to the braſs project in one of his reſolute ſpeeches againſt the biſhops, while yet he acted on that queſtion with Hampden and Pym. "As ſome ill "miniſters in our State firſt took away our money from us, "and after endeavoured to make our money not worth the "taking by turning it into Braſs by a kind of anti-philoſo-"pher's ſtone—ſo theſe men uſed us in this point of preach-"ing: firſt depreſſing it to their power, and next labouring "to make it ſuch as the harm had not been much if it had "been depreſſed."

Project for braſs money, 1638.

Falkland's reference thereto.

† The ſtate to which in this reſpect the kingdom had been brought was briefly and forcibly expreſſed by Mr. Harbottle Grimſton, the member for Colcheſter, ſubſequently Maſter of the Rolls and Speaker of the Parliament that welcomed back Charles the Second, in one of the great debates on grievances. "Sir," he ſaid, "by ſome judgments lately obtained in

Grimſton on denials of juſtice.

upon were in the 27th, 28th, 29th, 30th, 33rd, part of the 34th, and the 35th clauſes.

Clauſes 23,24,25, 26,and 32.

From the private wrong the public grievance is of courſe rarely ſeparable; but here it happened frequently that the one received peculiar exaſperation from the other, and a ſtriking inſtance was alleged in the monopoly of gunpowder. So high was the rate ſet upon gunpowder, that the poorer ſort of people were unable to buy it; ſo ſtrict was the protection, that without a licenſe it was not procurable at all; and, beſides the unlawful advantages thus permitted to individuals, many parts of the kingdom were left in conſequence utterly without defence.* It reſulted, in fact, in one of the heavieſt wrongs inflicted on the commonwealth. The Trained Bands were generally diſcouraged in their exerciſes, the country began to loſe its martial ſpirit, and ſeveral bodies of militia in the counties had their arms taken away. Belonging alſo to the ſame claſs of

Gunpowder monopoly:

Trained bands diſcouraged thereby.

" courts of juſtice, and by ſome new ways of government " lately ſtarted up amongſt us, the law of property is ſo much " ſhaken that no man can ſay he is maſter of anything. All " that we have, we hold but as tenants by courteſy and at " will, and may be ſtripped of at pleaſure."

* It was moved by J. C. (Sir John Clotworthy) in the Houſe that the gunpowder monopoly ſhould be ſpecially entered " as it was a project for diſarming of the kingdom." Another J. C. (Sir John Culpeper), unhappily now the fierceſt opponent of the Remonſtrance, had ſtrongly preſſed this as a grievance at the opening of the Long Parliament. " However little it may ſeem *primâ facie*, ſir," he ſaid, with admirable ſenſe and ſhrewdneſs, " upon due examination it " will appear a great grievance, that enhancing of the price " of gunpowder whereby the Trained Bands are much diſ- " couraged in their exerciſing . . . Mr. Speaker, the Trained " Band is a Militia of great ſtrength and honour, without " charges to the King, and deſerves all due encouragement."

Culpeper on protection of gunpowder.

grievances, were ſuch incidents as the breaking up of the foreſt of Dean, and the aſſignment to projectors, for ſupply of temporary needs, of the royal timber therein. One of the beſt ſtore-houſes of the kingdom for maintenance of its ſhipping was thus loſt; nor was the grief of good ſubjects abated, when they ſaw it leaſed and ſold to papiſts. And as public poſſeſſions were ſeized by private projectors, ſo was private land appropriated under pretences of public or royal title. The Crown lawyers put in claims inceſſantly to portions of eſtates between high and low water marks, againſt which the owners had no remedy;* and commiſſions were granted under vexatious and all but obſolete ſtatutes, by which, for the ſole benefit of the rich, the poor were moſt heavily burthened.† Large quantities of Common, alſo, and ſeveral public grounds, were taken from the ſubject under colour of the ſtatute of improvement, and by abuſe of the commiſſion of ſewers. The 23rd, 24th, 25th, 26th, and 32nd clauſes were thus occupied, the laſt having

Favours to papiſt projectors.

Seizures under Crown Commiſſions.

Commons taken from people.

* Mr. Serjeant Wilde had moved in the Houſe as to "the "Deſtruction of Timber, eſpecially in the Foreſt of Deane, "by Recuſants;" and conſideration was moved to be added by J. C. (Sir John Clotworthy) of "the Entitling the King "to the lands between the high-water and low-water mark." Wilde and Clotworthy.

† "Here is at this preſent," writes Garrard to the Lord Deputy Wentworth, "a Commiſſion in execution againſt "cottagers who have not four acres of ground laid to their "houſes, upon a ſtatute made the 31 Eliz. which vexeth the "poor people mightily, all for the benefit of the Lord Mor-"ton, and the Secretary of Scotland, the Lord Sterling; "much crying out there is againſt it, eſpecially becauſe mean, "needy, and men of no good fame, priſoners in the Fleet, "are uſed as principal Commiſſioners to call the people before "them, to fine and compound with them." Plunder of the poor.

been ſpecially inſerted at the urgent repreſentation of Cromwell.*

Clauſes 38, 39, 40, 41, 42, 43, 46, and 47.

The ſteps by which the ordinary courts of judicature had become meanwhile ſo degraded, as to render poſſible the prolongation of this lawleſs time, are ſuccinctly detailed in the 38th, 39th, 40th, 41ſt, 42nd, 43rd, 46th, and 47th clauſes.

Patents of the Judges altered.

The patents of the judges were altered; and the condition of abſolute ſervility, *durante bene placito*, took the place of that which might imply at leaſt moderate independence, the *quamdiu ſe bene geſſerit*. Some few judges were diſplaced for refuſing to betray their oaths and their conſciences;† nearly all the reſt were overawed into treachery to both; the ordinary approaches to juſtice were interrupted or foreclоſed;‡ and they who ſhould have been as dogs to defend the ſheep, became the very

Juſtice intercepted.

Commiſſions.

* "The Commiſſion of Sewers to be farther explained" are the terms of a notice given in the Houſe by Cromwell. This, and the Commiſſion for Depopulations, were often indignantly recurred to, both by Pym and Cromwell.

† The opportunities for violating both were unceaſing. Under the pretext of curing defects in titles of land, a proclamation was iſſued propoſing to grant new titles on payment of a reaſonable compoſition; the alleged flaws to be tried by judges empowered, without appeal, to eſtabliſh the objections; and whoever declined to avail himſelf of this facility for being plundered, was threatened in no meaſured terms with the ſeizure and utter loſs of all belonging to him.

Alleged defects in title deeds.

‡ "Sir," ſaid Mr. Harbottle Grimſton, in one of his able ſpeeches on grievances at the opening of this parliament, "I "will tell you a paſſage I heard from a judge in the King's "Bench. There was a poor man committed by the Lords, "for refuſing to ſubmit to a project; and having attended a "long time at the King's Bench bar upon his habeas corpus, "and at laſt preſſing very earneſtly to be bailed, the judge "ſaid to the reſt of his brethren, 'Come, brothers,' ſaid he, "'let us bail him; for they begin to ſay in the town, that "'the judges have overthrown the Law, and the biſhops the "'Goſpel.'"

Anecdote of a Judge.

wolves to worry them. If a lawyer ſhowed fidelity to his client in any queſtion affecting the Crown, he was marked by the court diſfavour. Solicitors and attornies were repeatedly threatened, and not ſeldom were puniſhed, for proſecuting the moſt lawful ſuits. New oaths were forced upon the ſubject. Undue influences were employed to make juries find for the King. Men found themſelves ſuddenly, in their freeholds and eſtates, their ſuits and actions, bound and overruled by orders from the Council Table.* Old judicatories, as the Chancery, the Exchequer Chamber, the Courts of the Houſehold,† the Court of Wards, and

Law and lawyers degraded.

Old juriſdictions abuſed.

* "The Council Table bit like a ſerpent; the Star Chamber like ſcorpions. Two or three gentlemen could not ſtir out, for fear of being committed for a riot. Our ſouls and conſciences were put on the rack by the Archbiſhop. We might not ſpeak of Scripture or repeat a ſermon at our tables. Many godly miniſters were ſent to find their bed in the wilderneſs. The oppreſſion was little leſs in the lower courts and in the ſpecial courts."—Speech by Sir Arthur Haſelrig in Richard Cromwell's parliament, Feb. 1658-9. Clarendon reports it as not merely an ordinary ſaying but a regular principle of conduct with Finch, ſworn in to the high office of Lord Keeper in January, 1639-40, that while he was Keeper, no man ſhould be ſo ſaucy as to diſpute orders of the Council Board; but that the wiſdom of that Board ſhould be always ground enough for him to make a decree in Chancery. *Hiſt.* i. 131.

Council Board tyranny.

Policy of Keeper Finch.

† Of the kind of courts thus reckleſſly allowed to override or ſuperſede the ordinary courts of judicature, a remarkable inſtance occurs in the *Verney Papers*, where a reprieve appears ſigned by Secretary Windebank for "one Elizabeth Cottrell, condemned to death at the Verge holden on Thurſday laſt for ſtealing one of his Majeſty's diſhes," and ſerving notice to the Treaſurer and Comptroller of the Houſehold to ſtay the execution. But moſt undoubtedly no authority exiſted, even in the two infamous Tudor ſtatutes creating criminal courts within the royal precincts, by which Charles the Firſt's Treaſurer or Comptroller was empowered to try, convict, and capitally ſentence any Engliſh ſubject. Mr. Bruce has properly pointed out that the only criminal caſes

Courts of the Houſehold.

Verney Papers, p. 182.

New Courts created.

the Star Chamber, were enlarged ſo as grievouſly to exceed their proper juriſdiction; and new judicatories, ſuch as the Court of the Earl Marſhal, were created without a pretence of legality. No man who was in favour at Whitehall, any longer cared or needed to ſeek juſtice except where juſtice might be fitted to his own deſire; and the rules of common law, which had ſurvived through centuries of comparative barbariſm, began to loſe their certainty and efficacy in this brief term of twelve miſerable years.*

Rules of law unſettled.

Clauſes 37, 51, 52, 53, 54, and 55.

The 37th clauſe dealt with the Star Chamber, and recited the fines, impriſonments, baniſhments, ſtigmatiſings, whippings, gags, pillories, and mutilations,† which it adminiſ-

Death for ſtealing royal diſh.

to which the limited juriſdiction of the Tudor Courts could poſſibly apply, were thoſe of members of the royal houſehold conſpiring to kill the King or any great officer of the ſtate, or ſhedding blood within the limits of the palace. To puniſh capitally the theft of one of his Majeſty's diſhes, even though committed by a ſervant of the royal houſehold (which Elizabeth Cottrell preſumably was), is a notion that could only have entered into the projects and arrangements of the moſt lawleſs government that England had ever known.

Notices for inſertions in Remonſtrance.

* Several notices of motion for additions to the Remonſtrance, given after its introduction into the Houſe, had reference to theſe ſubjects. I ſubjoin a few ſuch notices:

"The Courts of Wards."

"The Juriſdiction of the Council of the Marches."

"The Council Table, as they take cognizance of *me* "and *te*."

"The Buying and Selling of Honours and Dignities."

Smyth, the ſignature attached to the firſt, was doubtleſs Henry Smyth, the member for Leiceſterſhire, who ſurvived the viciſſitudes of the eight following years, and ſat on the trial of the King.

Tragedies of Baſtwick,

† The bloody tragedies of Baſtwick, of Burton, and of Prynne,—men of ſpotleſs reputation in their ſeveral learned callings, and whoſe offence was ſimply to have claimed the commoneſt right of freemen,—are well known, and cannot to

tered to caſes of conſcience. Nothing was too trivial, nor anything too grave, to eſcape its tyranny;* and they were fortunate who, once within its clutches, were again reſtored ſafely

Eccleſiaſtical tyranny.

this day be read without a burning ſenſe of irritation and amazement that even the much-enduring Engliſh people could have poſſeſſed their ſouls in patience, under ſo many years of ſuch a government. Thomas May, the hiſtorian of the Parliament, has a pregnant remark upon the ſubject. "It "ſeemed, I remember, to many gentlemen (and was accord-"ingly diſcourſed of), a ſpectacle no leſs ſtrange than ſad, "to ſee three of ſeveral profeſſions, the nobleſt in the king-"dom, Divinity, Law and Phyſick, expoſed at one time to "ſuch an ignominious puniſhment, and condemned to it by "proteſtant magiſtrates, for ſuch tenets in religion as the "greateſt part of proteſtants in England held, and all the "reformed churches in Europe maintained." (Lib. 1. cap. 7.) And this feeling it was, ſtored up in the minds and hearts of the people, that found afterwards ſuch terrible vent. Yet the few leading names, ſuch as Leighton's and theirs, which live in the hiſtory of ſuch perſecutions, are of courſe but the type of countleſs others, the record of whoſe ſufferings has periſhed. Here is a marginal notice from Rous's *Diary* as of one of the commoneſt incidents of the time. "Many great "cenſures in the Starre Chamber. Tubbing's caſe. Tubbing "loſt one eare at Weſtminſter, and, ere he loſt the other in "Norfolk, he died in priſon in London." Rous was a clergyman of Suffolk; a man apparently of ſupreme ſillineſs and dulneſs, and who had no opinions worth mention on any ſubject, to trouble either himſelf or his neighbours with. The only merit of his Diary (and this but ſcant) is to collect pieces of goſſip, and ſo preſerve evidences of popular facts or feelings, quite above the colour of ſuſpicion on the ground of any popular ſympathies in the goſſiper himſelf.

Burton; and Prynne.

Mutilations for conſcience ſake.

Rous's *Diary*, p. 86.

* "When," ſaid Mr. Bagſhaw, member for Southwark, in his ſpeech at the meeting of the Long Parliament, "I "caſt my eyes upon the High Commiſſion and other Eccle-"ſiaſtical Courts, my ſoul hath bled for the wrong and "preſſure which I have obſerved to have been done and com-"mitted in theſe Courts againſt the King's good people. I "have ſome reaſon to know this, that have been an attendant "to the Court theſe five years, for myſelf and a dear friend of "mine, ſometime knight of our ſhire, for a mere trivial buſi-"neſs. The moſt that could be proved againſt him was the "putting on his hat in the time of ſermon." But, alas! Mr. Bagſhaw yielded afterwards to Hyde's temptations, and joined the party of the King.

Caſe of a hat.

to their friends and to their callings; thrice happy, if not ſeparated for ever from the ſtudies they cheriſhed and the aſſociates they loved. Yet, even ſo adminiſtered, the Star Chamber ſtill fell ſhort of the perfect tyranny which the Primate ſought to eſtabliſh over opinion and conſcience throughout England. It was not until the ſeverity of the High Commiſſion, yet further ſharpened by the rigour of the Council Table, had brought the Star Chamber at laſt into the form and uſes of a Romiſh Inquiſition, that Archbiſhop Laud at length ſeemed ſatisfied (51, 52, 53, 54, and 55). And while its ſuſpenſions, excommunications, deprivations, and degradations, fell daily upon learned and pious miniſters, whoſe zeal marked them out in its metropolitan juriſdiction, Biſhops' Courts were eſtabliſhed throughout the country on a ſimilar model, which, though not reaching ſo high in extremity of puniſhment, made themſelves more generally grievous by the multiplicity of their vile perſecutions. No man was now ſo poor as not to know what eccleſiaſtical domination meant. It lighted upon the meaner ſort of tradeſmen. It ſtruck the induſtrious artificer. It impoveriſhed by thouſands large claſſes of the people. And thoſe whom in that reſpect it ſpared, it yet ſo afflicted and troubled, that great numbers departed, with all that they poſſeſſed, into Holland, into New England, into whatſoever land or waſte beyond the ſea the oppreſſed conſcience might hope for freedom. Such was the extent of this emigration, that it was felt in that ſpring and fountain of Engliſh wealth, the

Star Chamber.

High Commiſſion and Council Table.

Biſhops' Courts.

People driven beyond ſeas.

Extent of the emigration.

woollen-cloth manufacture, as well by the tranſport abroad as by diminution of the ſtock at home.

The clauſes remaining to be enumerated in this ſection of the Remonſtrance, the 48th, 50th, 56th, 57th, 58th, 59th, and 60th, ſpoke of appointments to offices; of diſtributions of preferments; of tamperings with the magiſtracy; and of the predominance at the Council Table of one or two favoured Miniſters, by whoſe counſels all others were negatived or overruled. The divines ſelected for promotion in the Church were thoſe in whoſe pulpits the prerogative had been preached above the law, ſuperſtitious formalities elevated above religion, and the property and rights of the ſubject moſt decried;* and it became quite the faſhion to put forth theſe doctrines in public and ſolemn ſermons before the King.† The ſheriffs in the ſeveral counties were no longer named in the uſual courſe; but, when they eſcaped being the victims of oppreſſion, were made its inſtruments. They were either pricked for ſheriffs as a puniſhment and charge, or as mere agents or commiſſioners ‡ to execute

Clauſes 48, 50, 56, 57, 58, 59, and 60.

Church preferments.

Pulpit doctrines.

Uſe and abuſe of Sheriffs.

* "Miniſters in their pulpits," ſaid Wentworth, talking, in his days of patriotiſm, of the ſovereign's monſtrous claim to the ſubject's eſtate, "have preached it as goſpel, and damned "the refuſers of it."

† I find in the Journals of the 10th of November, a notice of motion for inſertion in the Remonſtrance, to which no name is attached, of "The ſermons preached in divers places "before the King that the ſubject had no property in his "eſtate."

Royaliſt preachers.

‡ Adverting to the common and ordinary inſtructions of the Council to the various Commiſſions they iſſued againſt the ſubject, that they ſhould "proceed according to their diſcre-"tion" it had been well ſaid in the Houſe by Hyde himſelf;

Hyde on the Coun-

Treatment of patriots:

what the Council would have to be done. So, no leſs, it fared with the magiſtracies and places of great truſt in the counties. Whoſoever had ſhown the wiſh to maintain religion, liberty,

cil of the North.

" Such a confuſion hath this 'diſcretion' produced, as if diſ-
" cretion were only one remove from rage and fury. No in-
" convenience, no miſchief, no diſgrace, that the malice, or
" inſolence, or animoſity of theſe commiſſioners had a mind to
" bring upon that people [he is ſpeaking of the aſſumed
juriſdiction of the Court of York], but, thro' the latitude and
" power of this 'diſcretion,' the poor people have felt. This
" 'diſcretion' hath been the quickſand which hath ſwallowed
" up their property, their liberty. I beſeech you, reſcue
Anecdote of Hyde at York.
" them from this 'diſcretion.'" Mr. Hyde took great pride to himſelf in after years for his patriotic exertions in this matter, and with infinite ſelf-complacency tells us how, on his joining the King at York on the eve of the war, he became curiouſly aware of the impreſſion which his expoſure of the " Council of " the North" had made in that ancient city. One of the King's ſervants had taken a lodging for him before his arrival, which he found to be an excellent lodging; and, in the greateſt good humour therewith, he was undreſſing for bed, when his own ſer-
Trouble at his lodgings.
vant came up to him from a lower room in much alarm, proteſted that the people of the houſe muſt be mad, and entreated him to leave the place at once. By no means diſpoſed to quit haſtily ſuch comfortable quarters, he inſiſted upon the why and wherefore, to which the man replied that nothing could be more civil than the conduct of the people at firſt; and that he was himſelf made welcome in the room below, occupied by the miſtreſs of the houſe; and that, ſitting together there quite pleaſantly, " ſhe aſked him what his maſter's name was, which " he told her. *What!* ſaid ſhe: *That Hyde that is of the*
Landlady curſes and abuſes him.
" *Houſe of Commons!* And he anſwering Yes, ſhe gave " a great ſhriek, and cried out that he ſhould not lodge in " her houſe: curſing him with many bitter execrations. Upon " the noiſe, her huſband came in; and when ſhe told him who " it was that was to lodge in the chamber above, he ſwore a " great oath that he ſhould not; and that he would rather ſet " his houſe on fire than entertain him in it. . . . He knew " him well enough: he had undone him, and his wife, and " his children!" Such was the ſervant's account, with more oaths, and ſlamming of doors, than may here be dwelt on; and for which, on Mr. Hyde's reſolving nevertheleſs to wait till morning to try and find out ſome rational explanation, the next day brought reaſon enough. " The man of the
The myſtery explained.
" houſe had been an Attorney in the Court of the Preſident " and Council of the North, in great reputation and practice

and the laws, were weeded out of the commiſ- excluded
ſion of peace, and all employments of influence from offices and
in their diſtricts; which afterwards paſſed, by honours.
ſecret bribery or open purchaſe, into the leaſt
worthy hands. Titles of honour, ſerjeantſhips
of law, and places affecting the common juſtice
of the kingdom, were made matters of open
bargain in this way, paſſing to men of the
weakeſt parts; and of courſe what were ill
gotten were ill adminiſtered and ill uſed. Nor
did the courſe of terroriſm and corruption, thus Terroriſm
taking in the middle and higher grades, and and cor-
already ſtretching down, as we have ſeen, to ruption.
the loweſt, ſtop upward until the higheſt were
reached. It had its conſummation only at the
very council-table of the King. There ſat
councillors, who were councillors only in name;
and whoſe ſole uſe was to confirm, in a few,
the real power and authority. Though other- Strafford's
wiſe perſons of never ſo great abilities and and
honour, whoſoever oppoſed thoſe few were Laud's

" there; and thereby got a very good livelihood, with which
" he had lived in ſplendour; and Mr. Hyde had ſat in the chair
" of that Committee, and had carried up the votes of the Com-
" mons againſt that Court, to the Houſe of Peers, upon which
" it was diſſolved." (*Life*, i. 149-152.) Another trait of the time worth preſerving may be taken from the ſame part of Clarendon's recollections. Rapidity of communication had then become of vital neceſſity to the king's ſervice, and he takes occaſion to mention the marvellous ſpeed wherewith it had become poſſible to accompliſh the journey between London and York. It *is* (even to us in theſe days) remarkable.
" It was a wonderful expedition that was then uſed between Travel-
" York and London, when gentlemen undertook the ſervice, ling
" as enough were willing to do; inſomuch as when they between
" deſpatched a letter on Saturday night, at that time of the London
" year (end of April), about twelve at night, they received and York.
" always the King's anſwer, Monday by ten of the clock
" in the morning." *Life* i. 135.

predominance at council.

marked out for diſcountenance and neglect; and the reſolutions of ſtate which were brought to the table, were not offered for debate and deliberation, but merely for countenance and execution.

Clauſes 61-67.

Such being the ſtate of the kingdom in the cloſing months of 1639 (I now proceed to ſtate the ſubſtance of the next 15 clauſes, from the 61ſt to the 75th incluſive), all things appeared ripe for putting the finiſhing touches to the great deſign of the leading men, the few juſt named, which, as was now made ſufficiently obvious, had three diſtinct parts. A ſolemn adjudication of ſhip-money had been lately obtained; and the Government was to be ſet free from all reſtraint of laws in regard to perſons and eſtates. There muſt be an identification (only not as yet to be called Popery) betwixt Papiſts and Proteſtants, in doctrine, diſcipline, and ceremonies. And the Puritans,* who remained ſtill as the Engliſh wall or partition flung up againſt Rome, muſt be either rooted out of the kingdom with force, or driven out by fear (61, 62, 63, 64). The main ſtumbling-block to the entireneſs of the plan was Scotland; and Laud, bent on doing the work thoroughly, now ſtruck in there with his ſervice book, his new canons, and his liturgy. The Scots reſiſted; the Archbiſhop

Deſign of the Court.

Puritans the partition againſt Rome:

to be flung down.

* "Whoſoever ſquares his actions by any rule, either divine "or human, he is a Puritan; whoſoever would be governed "by the King's laws, he is a Puritan; he that will not do "whatſoever other men would have him do, he is a Puritan. "Their great work, their maſterpiece, now is, to make all "thoſe of the true religion to be the ſuſpected party of the "kingdom."—*Sir Benjamin Rudyard*, Nov. 7, 1640.

Who were called Puritans.

would not recede; and, occupying ſilently either ſide of the Tweed, two armies gradually aroſe (65, 66, 67). Scotch Rebellion.

But, when they were ready to encounter, counſels of fear, if not of prudence, led to the pacification of Berwick; which had however hardly been completed, when Strafford reſumed his place at the council board, condemned the courſe that had been taken, and adviſed what he declared to be the Crown's laſt and beſt reſource, the ſummoning of a parliament.* Not indeed to give counſel and advice, but to reſtrict itſelf to the giving of countenance and ſupply; for, to men who had corrupted and diſtempered the whole frame and government of the kingdom, the attempt alſo to corrupt what alone could reſtore all to a right frame again, was become matter of ſafety and neceſſity. If the plan ſhould ſucceed, and parliament be pliant, the ſeſſion would be continued, and miſchief eſtabliſhed by a law. If it ſhould fail, and parliament be ſtubborn, the ſeſſion would at once be broken, and the Crown abſolved for uſing foul means by the Clauſes 68-75. Strafford at the Council Board. His reaſons for a parliament.

* The ſubjoined is characteriſtic of the feeling of the time.

"The 27 of March, 15 Car. 1639, his Majeſtie rode through Roiſton to Yorkeward, there to meete his army, &c. It was told me, April 1, that whereas it is an uſe to deliver billes to the ſicke to be praid for in this manner; one from the church dore, perhaps in the throng, pulles another by the ſhoulder, and gives him the note or bill, he another &c. untill it come to [the] clerke; the clerke, at the preacher's comming into the pulpit, delivers them to him, &c. Some one had put up a bill which the preacher wold not reade, but let it fall. The bill was thus: *John Commonwealth's-man of Great Britaine, being ſicke of the Scottiſh diſeaſe, deſires the prayers of this congregation for a parliament.*"—*Diary of Rous*, 88. *Diary* o Rous, March, 1639. Prayers for a parliament.

pretence of having endeavoured to uſe fair (68, 69, 70, 71, 72). Simultaneouſly with the iſſue of writs, went forth levies for a new army, with freſh acts of violence againſt the Scots. At the ſame time, Strafford, paſſing over into Ireland, called together a parliament in Dublin; wreſted from it four ſubſidies; and, without concealing the purpoſe for which they were deſigned, ſummoned levies of eight thouſand foot and one thouſand horſe from the well-appointed army, chiefly of Papiſts, which he had been able to raiſe in that kingdom (73, 74, 75).

His Iriſh levies againſt the Scots.

4. *The Short Parliament and the Scottiſh Invaſion.*

Clauſes 76-78.

THE meeting of the Houſes at Weſtminſter on the 13th April, 1640; the demand of twelve ſubſidies for the releaſe of ſhip-money alone; the temperate tone of both the Commons and the Lords, and the ſudden and intemperate diſſolution; occupy clauſes 76, 77, and 78. The next twenty-ſix, from the 79th to the 104th incluſive, deſcribe the momentous interval before the aſſembling of the Long Parliament.

Clauſes 79—84.

On the very day of the diſſolution of the Parliament of April, the King's moſt powerful Counſellor adviſed that he was now abſolved from all rule of government, and entitled to ſupply himſelf out of his ſubjects' eſtates without their conſent.* A vigorous levy of

Strafford's fatal counſel:

* This memorable advice, which coſt Strafford his head, was given on the 5th May 1640; and it was from the notes

ſhip-money was accordingly ordered; a forced loan was ſet on foot in the city of London; a falſe and ſcandalous Declaration againſt the Houſe of Commons was iſſued in the King's name; on the day following the diſſolution, ſome members of both houſes had their ſtudies and cabinets, "yea, their pockets," ſearched;* and ſoon after, for having maintained the privilege of parliament, one of the members of the lower Houſe was committed from the Council Table. Harſher courſes were contemplated, and the report of them went abroad; but the ſickneſs of the Earl of Strafford, and a tumultuous riſing in Southwark and about Lambeth,† were ſuppoſed to have intercepted

its reſults.

Diſſolution of Short Parliament.

of the elder Vane, taken that day at the Council Table, and ſubſequently found by his ſon and handed to Pym, that the evidence was obtained againſt him.

Arreſts of Parliament men.

* "Sir William Beecher was committed to the uſher of "the blacke rod for not diſcloſing his warrant to ſerche the "pockets of Erle of Warwicke, Lord Say, Lord Brooke, "preſently after the laſt parliament broken up. It was done "the next morne to the Lord Say and Lord Brooke in bedde; "the Lord Brooke's lady being in bedde with him. The "King at length affirming that he commanded it, he was "releaſed."—*Diary of John Rous*, p. 101.

Riots at Southwark and Lambeth.

† "Upon the diſſolution of the parliament (5th May, 1640) "preſently were two inſurrections in one weeke, at South-"wark and Lambeth; in the firſt the White Lion pryſon "was broken and priſoners ſet free, &c.; in the ſecond, Lam-"beth Houſe in hazard, &c. One man was taken, and "hanged and quartered."—*Diary of John Rous*, p. 90. Clarendon tells us, (*Hiſt.* i. 253) that the reference to the Lambeth riots in the Remonſtrance received modification during the debates. What he ſays is characteriſtic, as well for its diſhoneſt reference to thoſe riots (for which one man ſuffered execution), as for its alluſion to Mr. Strode. "This infa-"mous, ſcandalous, headleſs inſurrection, quaſhed by the "deſerved death of that one varlet, was not thought to be "contrived or fomented by any perſons of quality, yet it was "diſcovered after in the Houſe of Commons by Mr. Strode "(one of thoſe Ephori who moſt avowed the cushing and

Alluſions by Clarendon.

the execution of them. (79, 80, 81, 82, 83, 84.)

Clauſes 85-87. Nevertheleſs they failed to turn aſide the Archbiſhop from his eager and unſwerving advance to Rome. Undaunted and undeterred by diſcontents and tumults, never did he and the other biſhops follow up that purpoſe more actively than in thoſe ſix memorable months. If any before could have doubted what they aimed at, now it was made plain to all. For now it was that, with the authority of a ſo-called provincial ſynod, canons were put forth declaring things lawful which had no warrant of law; juſtifying altar-worſhip, and other ſuperſtitious innovations;* ſetting at defiance the uſages and the ſtatutes of the realm; trampling alike on the property and liberty of the ſubject, the rights of Parliament, and the prerogative of the King; and ſhowing that they who would ſet the Crown above the

Laud ſtill moving to Rome.

Crown above the Laws:

" ſuppreſſing of Majeſty) with much pleaſure and content; " and it was mentioned in the firſt draught of the firſt Re- " monſtrance (when the ſame was brought in by Mr. Pym) " not without a touch of approbation, which was for that " reaſon ſomewhat altered, though it ſtill carried nothing of " cenſure [judgment] upon it in that piece." It is quite true, as Clarendon alleges, that only one man ſuffered death for this diſturbance, but it was not the clemency of the Government, but of one of the few upright judges of the day, which had prevented other capital proſecutions. " Judge Reeve," ſays Rous, November, 1640, " this ſummer aſſizes did in " Southwarke refuſe to proceede upon the inditement of one " of the Lambeth tumult, ſaying he wold have no hand in " any man's bloud; but, becauſe the fellow had been buſie, " &c. remitted him to priſon againe." *Diary*, 101.

An honeſt judge.

* " They would evaporate and diſpirit the power and " vigour of religion by drawing it out into ſolemn ſpecious " formalities, into obſolete antiquated ceremonies new fur- " biſhed up."—*Sir Benjamin Rudyard*, 7th Nov. 1640.

Sir Ben. Rudyard.

laws, would alſo ſet themſelves above the Crown. They impoſed new oaths; they taxed the great maſs of the clergy for the King's ſupply;* they fomented the quarrel with Scotland, which they fondly ſtyled *Bellum Epiſcopale*;† they compoſed, and enjoined to be read in the churches, a prayer againſt the Scots as rebels, of which the object was to drive the two nations to irreconcileable bloodſhed; and, above all, upon authority of their pretended canons and conſtitutions, they proceeded to ſuch extremities of ſuſpenſion, excommunication, and deprivation againſt good miniſters and well-affected people, as left the paſſage eaſier than it yet had ſeemed to their deſign of reconciliation with Rome. (85, 86, 87.)

Mitre above Crown.

Church oppreſſion.

For it was part of the deſign that the Papiſts at this time ſhould receive peculiar exemptions from the penal laws, beſides many other encouragements and court favours.‡ They

Clauſes 88-94.

* "Sir, imagine it!" exclaimed Mr. Harbottle Grimſton. "See what a pitch they have flown! A ſynod called together "upon pretence of reconciling and ſettling controverſies in "religion, take upon themſelves the boldneſs, out of parlia- "ment, to grant ſubſidies and to meddle with men's free- "holds! I ſay, the like was never heard of before; and "they that durſt do this will do worſe, if the current of their "raging tyranny be not ſtopped in time."

Grimſton.

† In the laſt great debate on the Remonſtrance, Falkland (of all men in the world) took objection ſpecially to this paſſage; feeble and faint tranſcription as it is, of what, ſome few months earlier, he was never himſelf wearied of urging and repeating in fiery and paſſionate ſpeeches.

Falkland.

‡ The celebration of maſs, though illegal, was openly connived at; but woe to the Proteſtant who declined attendance at his pariſh church becauſe he would not bow to the altar! He was puniſhed firſt by fine, and, on a repetition of his refuſal, by tranſportation. "It hath been more dangerous,"

Maſs connived at:

Deſigns and power of Papiſts.

poſſeſſed, in the King's ſecretary of ſtate, Sir Francis Windebank, a powerful agent for ſpeeding all their deſires.* They had a reſident Pope's Nuncio, by whoſe authority, under direct inſtructions and influences from Rome itſelf, all the moſt influential of the nobility, gentry, and clergy of that perſuaſion held ſecret convocations after the manner of a parliament. So led and ſtrengthened, they erected

Secret meetings.

conventicles made criminal.

exclaimed Falkland, in his ſpeech upon grievances in the Short Parliament, "for men to go to ſome neighbour's pariſh "when they had no ſermon in their own, than to be obſtinate "and perpetual recuſants. While maſſes have been ſaid in "ſecurity, a conventicle hath been a crime; and, which is "yet more, the conforming to Ceremonies hath been more "exacted than the conforming to Chriſtianity." In like manner the Roman Catholics were ſingled out for ſpecial conceſſions of monopolies. "They grew," ſays Clarendon, "not only ſecret contrivers but public profeſſed promoters "of, and miniſters in, the moſt grievous projects; as that of "ſoap, formed, framed, and executed by almoſt a corporation "of that religion, which, under that licenſe and notion, "might be, and were ſuſpected to be, qualified for other "agitations" (i. 262). Fancy the monopoly of ſuch a neceſſity as ſoap in the hands of a corporation of Roman Catholics, uſing it to impoſe the worſt articles at the higheſt price upon all claſſes of the people! "Continual complaints riſe up," writes Garrard to Lord Deputy Wentworth, "that it burns "linen, ſcalds the laundreſs's fingers, and waſtes infinitely in "keeping, being full of lime and tallow." And fancy the ſame ſort of thing going on with reſpect to every conceivable thing on which a tax could be laid, or out of which a monopoly could be formed! Salt, ſtarch, coals, iron, wine, pens, cards, dice, beavers, belts, bone-lace, meat dreſſed in taverns (the vintners of London gave the King 6000*l.* for freedom from this horrible impoſition), tobacco, wine caſks, game, lamprons, brewing and diſtilling, weighing of hay and ſtraw in London, guaging of red herrings, butter-caſks, kelp and ſeaweed, linen cloth, rags, hops, buttons, hats, gut-ſtring, ſpectacles, combs, tobacco-pipes, ſedan chairs, and hackney coaches (now firſt invented), ſaltpetre, gunpowder, down to the privilege of gathering rags excluſively—all theſe things were ſubject to monopolies, and all heavily taxed!

Favour to Papiſts.

Matters ſubject to monopoly.

* For proof in all reſpects confirmatory of this ſtatement, ſee Clarendon's *Hiſtory*, i. 311-12.

new juriſdictions of Romiſh Archbiſhops; levied taxes; ſecretly ſtored up arms and munition; and were able to ſet in motion ſuch powerful agencies, at the Court and in the Council, that it actually there became matter of debate whether or not to iſſue to ſome great men of the party, under private conditions and inſtructions, a commiſſion for the raiſing of ſoldiers. And thus there was moulded within the Engliſh State another State independent in Government, oppoſed in affection and intereſt, ſecretly corrupting the careleſs, actively combining againſt the vigilant, and in this poſture waiting the opportunity to deſtroy thoſe whom it could not hope to ſeduce.* (88 to 94 inclusive.)

Agencies at Court and in Council.

Imperium in imperio.

* Let me illuſtrate what is ſaid in the text by one of the moſt maſterly expoſitions ever made of the true ſtate of the caſe, and of the real iſſue that was then to be determined. "Sir," ſaid Sir Benjamin Rudyard, in perhaps the moſt eloquent of all the ſpeeches delivered in the great debates of November 1640, "if we ſecure our Religion, we ſhall "cut off and defeat many plots that are now on foot by "them and others. Believe it, Sir, Religion hath been for a "long time, and ſtill is, the great deſign upon this kingdom. "It is a known and practiſed principle, that they who would "introduce another religion into the Church, muſt firſt trouble "and diſorder the government of the State, that ſo they may "work their ends in a confuſion: which now lies at the "door. . . . . I have often thought and ſaid, that it muſt "be ſome great extremity that would recover and rectify this "State; and when that extremity did come, it would be a "great hazard whether it might prove a Remedy or Ruin. "We are now, Mr. Speaker, upon that vertical turning "point, and therefore it is no time to palliate, to foment our "own undoing. . . . . To diſcover the diſeaſes of the State is "(according to ſome) to traduce the Government; yet others "are of opinion that this is the half-way to the cure. . . . . "Men that talk loudly of the King's ſervice, and yet have "done none but their own, that ſpeak highly of the King's "power yet have made it a miſerable power producing nothing "but weakneſs, theſe are they who have always peremptorily

Speech by Rudyard.

State and Church grievances inſeparable.

Clauſes 95-104.

But a criſis came unexpectedly. At the moment when any further illegal preſſure on the ſubject ſeemed hopeleſs, his Majeſty's treaſure was found to be conſumed, and his entire revenue to be anticipated. Though the priſons were filled with commitments from the Council Table,* yet "multitudes" who had refuſed illegal payments ſtill hung in attendance at its doors. Several of the ſheriffs had been dragged up into the Star Chamber from their reſpective counties, and ſome had been impriſoned for not having levied ſhip-money with ſufficient vigour. In a word, the ſource of non-parliamentary ſupply was exhauſted. The people, with no viſible hope left but in deſperation, languiſhed, beginning to ſeem paſſive under grief and fear; and the King's chief adviſers ſuggeſted a ſubſcription to ſupply his wants, to which they made very large perſonal contribution. But the example was loſt on the claſs to which alone, with any effect, the appeal could be made. For now the Nobility themſelves, weary of their ſilence and patience, began to be ſenſible of the duty and truſt which belonged to them as hereditary counſel-

Priſons full.

Non-parliamentary ſupply exhauſted.

Diſcontent of Lords:

" purſued one obſtinate pernicious courſe. Firſt, they bring " things to an extremity; then they make that extremity, of " their own making, the reaſon of their next action, ſeven " times worſe than the former. And there, Sir, we are at this " inſtant. They have almoſt ſpoiled the beſt inſtituted Govern- " ment in the world, for ſovereignty in a king, for liberty to " the ſubject; the proportionable temper of both which, " makes the happieſt State for power, for riches, for duration."

Ruin of old monarchy.

* " Many are daily impriſoned for refuſing to lend the " King, ſo that the priſons in London are full; and it's " thought they ſhall be ſent and impriſoned in divers " gaols in the country, remote from their own dwellings."— *Walter Yonge's Diary*, p. 105.

Yonge's *Diary*.

lors of the Crown; and ſome of the moſt ancient of them petitioned his Majeſty for the redreſs to which his ſubjects were entitled.* petition for Parliament.

* This memorable Petition, which was afterwards the ſubject of ſpecial thanks in both Houſes, which bore attached to it the names of the Earls of Bedford, Briſtol, Hertford, Eſſex, Mulgrave, Paget, Warwick, and Bolingbroke, of the Viſcounts Say and Seale, and Mandeville, and of the Lords Brook, and Howard of Eſcrick, has never been ſo correctly printed as in the copy now ſubjoined. Every word has its weight and value. The York Declaration.

" The humble Petition of your Majeſty's moſt loyal ſub-
" jects, whoſe names are here underwritten, in behalfe of
" themſelves and many others.

' Moſt Gracious Sovereign:

' The ſenſe of that duty and ſervice which we owe unto
' your Majeſty, and our earneſt affection to the good and
' welfare of this your realm of England, have moved us, in
' all humility, to beſeech your Majeſty to give us leave to
' offer unto your moſt princely wiſdom, the apprehenſion Dangers
' which we, and other your faithful ſubjects, have conceived, to State
' of the great diſtempers and dangers now threatening the and
' Church and State, and your Royal Perſon, and of the fitteſt Church.
' means by which they may be removed and prevented.

' The Evils and Dangers whereof your Majeſty may be
' pleaſed to take notice are theſe:

' 1. That your Majeſty's ſacred perſon is expoſed to hazard
' and danger in the preſent expedition againſt the Scotiſh
' armie: and by the occaſion of this war, your revenues much
' waſted; your ſubjects burthened with Coat and Conduct Griev-
' money, with Billeting of Souldiers and other Military ances of
' Charges, with divers rapines and diſorders committed in ſubject.
' ſeveral parts in this your realm by the ſouldiers raiſed for
' that ſervice; and your whole kingdom become full of care
' and diſcontent.

' 2. The ſundry innovations in matters of Religion, the Innova-
' Oath and Canons lately impoſed upon the clergy, and other tions in
' your Majeſty's ſubjects. religion.

' 3. The great Increaſe of Popery; and Employing of
' Popiſh Recuſants, and others ill-affected to the Religion by
' Law eſtabliſhed, in places of power and truſt, eſpecially in
' commanding of Men and Armes both in the Field and in
' ſundry Counties of this your realm: whereas, by the Laws,
' they are not permitted to have Armes in their own houſes.

' 4. The great miſchief which may fall upon this king-
' dom, if the Intention, which hath been credibly reported,

Which Petition had yet borne no fruit, when the Scots, oppreſſed in their conſciences, reſtrained in their trades, impoveriſhed by the

'of bringing in of Iriſh and foreign forces ſhould take 'effect.

Taxation without repreſentation.

'5. The urging of Ship-money, and proſecution of ſome 'ſheriffs in the Star-chamber for not Levying of it.

'6. The heavy charges upon Merchandize, to the diſ-'couraging of Trade. The multitude of Monopolies, and 'other Patents, whereby the Commodities and Manufactures 'of the Kingdom are much burthened, to the great and 'univerſal Grievance of your people.

'7. The great grief of your ſubjects by the long Intermiſ-'ſion of Parliaments, and the late and former Diſſolving of 'ſuch as have been called, without the happy effects which 'otherwiſe they might have produced.

'For remedy whereof, and prevention of the danger that 'may enſue to your Royal perſon, and to the whole State,

Parliament the only remedy.

'We do, in all humility and faithfulneſs, beſeech your 'moſt excellent Majeſty, that you will be pleaſed to ſummon 'a Parliament within ſome ſhort and convenient time, where-'by the cauſe of theſe and other great greivances which your 'people and your poor Petitioners now lye under, may be 'taken away, and the Authours and Councellours of them 'may be there brought to ſuch Legal Tryal and condign 'puniſhment as the nature of their ſeveral offences ſhall require; 'and that the preſent War may be compoſed by your Ma-'jeſties wiſdom without effuſion of blood, in ſuch manner as 'may conduce to the honour and ſafety of your Majeſties 'perſon, the content of your people, and the unity of both of 'your realms againſt common enemies of the Reformed 'Religion.'

"And your Majeſty's Petitioners ſhall always pray, &c."

Story by Shafteſbury.

A ſingular anecdote is told of this petition on no leſs authority than that of the firſt Lord Shafteſbury. It occurs with his ſignature in Locke's Common Place Book (King's *Life*, i. 222), and other undoubted references by Shafteſbury to the ſame ſtory (Martyn's *Life*, i. 115, 119), eſtabliſh the authorſhip: "This petition," he ſays, "was preſented to the King "at York by the hands of the Lord Mandeville and the Lord "Howard. The King immediately called a Cabinet Council, "wherein it was concluded to cut off both the lords' heads "the next day; when the Council was up, and the King

Firſt reſolve of the Court:

"gone, Duke Hamilton and the Earl of Strafford, general of "the army, remaining behind, when Duke Hamilton, aſking "the Earl of Strafford whether the army would ſtand to them, "the Earl of Strafford anſwered he feared not, and proteſted

ſeizure of their ſhips in Engliſh and Iriſh ports, and hopeleſs of ſatisfying the King by any naked unſupported ſupplication, forced the paſſage of the Tyne at Newburn with a powerful army; and having poſſeſſed themſelves of Newcaſtle, there, out of brotherly love to the Engliſh nation, ſtayed their march, and gave the King leiſure to entertain better counſels. A ceſſation of arms was determined upon for a certain fixed period, and all differences were referred in the interval to the wiſdom and care of the Ancient Council of the nation. A Parliament was ſummoned to meet on the 3rd November, 1640. (95 to 104 incluſive.)

The Scotch invaſion.

Parliament ſummoned: 3d Nov. 1640.

5. *Acts of the Long Parliament.*

THE great deeds done by this memorable aſſembly during the firſt twelve months of its exiſtence, are then, in no boaſtful or vainglorious ſpirit, detailed by their authors. Hiſtory ſpeaks to us, here, while yet in the very proceſs of creation; and, by a rare privilege, records the actions of her heroes in language

Clauſes 105&110.

Heroes of the Long

" he did not think of that before then. Hamilton replied, if " we are not ſure of the army, it may be our heads inſtead of " theirs; whereupon they both agreed to go to the King and " alter the Council, which accordingly they did." There are ſome probabilities againſt the ſtory, but at leaſt it vividly reflects the popular belief of the ſingularly dangerous and critical turning point to which public affairs, and all actors in them, had then unqueſtionably come. I take the opportunity of referring to the Papers reſpecting the firſt Lord Shafteſbury's life, of which a portion has been lately publiſhed by Mr. Chriſtie, as extremely intereſting in themſelves, and not unlikely to clear off ſome miſts of exaggeration and prejudice from a famous hiſtoric name.

ſecond thoughts.

Shafteſbury Papers.

Parliament. they have themſelves left to us. They do not underſtate the work they had to do; nor do they exaggerate their own power in doing it. All oppoſition, they remark, ſeemed to have vaniſhed when firſt they met. So evident were the miſchiefs, ſo manifeſt the evil of the counſellors reſponſible for them, that no man ſtood up to defend either. Yet very arduous was the work of reformation. The difficulties ſeemed to be inſuperable, which by the Divine Providence they overcame: the contrarieties incompatible, which yet in a great meaſure they reconciled. (105 and 110.)

Their taſk.

Clauſes 106-109, and 111-124. It was not only that the multiplied evils and corruption of ſixteen years ſtrengthened by authority and cuſtom, and that the powerful delinquents whoſe intereſts were identified with their continuance, were together to be brought to judgment; but that two armies were to be paid, at a coſt of near 80,000*l.* a month; that the King's houſehold was to be ſupplied, in even its ordinary and neceſſary expenſes; and that the people were yet to be tenderly charged, as already exhauſted by unjuſt and groſs exactions (106, 107, 108, and 109). And all this was done. During the year, twelve ſubſidies had been raiſed, to the amount of 600,000*l.*; yet had the kingdom been ſubſtantially no loſer by thoſe charges. Ship-money, which drew ſupplies almoſt without limit from the ſubject, was aboliſhed. Coat and conduct-money, and other military aſſeſſments, in many counties amounting to little leſs than ſhip-money, were declared illegal and removed. Monopolies, of which but the leading few, ſuch as ſoap, wine,

Two armies paid.

Twelve ſubſidies raiſed.

Grievances redreſſed.

leather, and ſalt, prejudiced the common people to the amount of nearly a million and a half yearly, were univerſally ſuppreſſed.* And, what was more beneficial than all, the root of theſe intolerable evils had been extirpated. Monopolies aboliſhed.

* No one was more eager againſt the Remonſtrance, or fought every ſtage of it with a more impaſſioned reſiſtance, than Sir John Culpeper, ſo ſoon to be appointed "for life" Chancellor of the Exchequer (until Hyde was ready to aſſume that office, when Culpeper became a lord and Maſter of the Rolls); yet it was he who, at the meeting of the Long Parliament, had ſpoken that memorable ſpeech againſt monopolies and projectors which might have ſupplied Sydney Smith with his famous diatribe on the univerſality of Britiſh taxation two hundred years later. "It is a neſt of waſps, or ſwarm of vermin, which "have overcrept the land; I mean the monopolers and polers "of the people. Like the frogs of Egypt, they have gotten "the poſſeſſion of our dwellings, and we have ſcarce a room "free from them. They ſup in our cup, they dip in our "diſh, they ſit by our fire. We find them in the dye-fat, the "waſh-bowl, and the powdering-tub. They ſhare with the "butler in his box. They have marked and ſealed us from "head to foot. Mr. Speaker, they will not bait us a pin. We "may not buy our own clothes without their brokage." To illuſtrate the operation of ſome of theſe monopolies, a ſtriking paſſage may alſo be taken from a ſpeech of Pym's, in which he undertook to ſhow that the gain of the King was wonderfully diſproportioned to the loſs of the Subject. "In France, "not long ſince, upon a ſurvey of the King's revenue, it was "found that two parts in three never came to the King's "purſe, but were diverted to the profit of the officers and "miniſters of the Crown; and it was thought a very good "ſervice and reformation to reduce two parts to the King, "leaving ſtill a third part to the inſtruments that were em-"ployed about getting it in. It may well be doubted if the "King have the like or worſe ſucceſs in England. For "inſtance, he hath reſerved upon the monopoly of wines "thirty thouſand pound rent a year; the vintner pays forty "ſhillings a tun, which comes to ninety thouſand pounds; "the price upon the ſubject by retail is increaſed twopence a "quart, which comes to eight pounds a tun, and for forty-"five thouſand tun brought in yearly amounts to three "hundred and ſixty thouſand pounds; which is three hundred "and thirty thouſand pounds loſs to the kingdom, above the "King's rent!" Culpepper againſt projectors. Swarm of monopoliſt vermin. Speech by Pym: ſmall gain to King from large loſs to Subject.

Taxation reſtored to Commons.

The judgment of both Houſes, ſubſequently embodied in a ſtatute, had put an end for ever to the arbitrary power pretended to be in the King, of taxing the ſubject, or charging their eſtates, without conſent of their repreſentatives in parliament. Judgment had been dealt, alſo, upon the living grievances; upon the evil counſellors, and actors, of treaſon to the commonwealth. The Earl of Strafford had periſhed on the ſcaffold. Lord Finch, the Lord Keeper, and Sir Francis Windebank, the Secretary of State, had taken flight into ignominious exile. Archbiſhop Laud and Judge Berkeley were lodged in the Tower. And ſuch was the report gone forth of theſe memorable acts of retribution, that not the preſent only, but all future times, were like to find ſafety and preſervation therein. (111 to 124 incluſive.)

Delinquents puniſhed.

Clauſes 127-136, 125 and 126, and 137-142.

Through ten ſucceeding clauſes the great recital continued. The abolition of the Star Chamber, of the High Commiſſion, and of the Courts of the Preſident and Council in the North, as of ſo many forges of oppreſſion, miſery, and violence,* was exultingly detailed.

Ralph Verney to James Dillon: 1634.

* To what extent theſe courts might be, and were, made to miniſter to oppreſſion, could only be ſhown by a relation too particular for this place; but there is a letter from Ralph Verney to his friend James Dillon, deſcribing Prynne's fine and puniſhment, which remarkably illuſtrates the reckleſs liberty of indulgence to private ſpleen and paſſion, on which they were all baſed, and by which all were governed. The judgment for a fine, as will be obſerved, was taken on the average of the various ſums ſuggeſted.

1633—4. *February 26th.* "I did but even now receave a "letter from you, wherein you deſire an account of Mr. "Prinn's cenſure. To ſatisfie you therein. He is to be "degraded in the Univerſitie, diſbarred at the Innes of Court;

And thoſe votes of both Houſes were recounted, which had taken away the immoderate power of the Council Table; had blaſted for ever the deſign of overriding goſpel and law by canons of the Church; had ſtruck down the exorbitancies of Biſhops and their courts; had puniſhed ſcandalous miniſters; had reformed the foreſt laws; had put an end to the encroachments and oppreſſions of the Stannary Courts; had aboliſhed the extortions of the Clerk of the Market; had relieved the ſubject of the vexations of the old laws of knighthood; and, of all theſe and other as grievous public wrongs, left no more trace or veſtige than might ſuffice to tell to future generations the ſtory of the miſeries they had occaſioned.* (127 to 136 incluſive.) In the ſame recital, but ſtanding apart from the general ſtatement of redreſs, was the mention made (125 and

Overthrow of tyranny:

Eccleſiaſtical and Civil.

How accompliſhed.

" he was fined in foure thouſand pounds by ſome, by others " in 5,000ll., in 6,000ll., in 10,000ll; but which of theſe does " now ſtand I cannot reſolve you, becauſe I counted not in " which of theſe ſummes moſt of the Lords did agree; but I " believe it was in 4000ll. He was withall condemned to the " loſſe of his ears, whereof he is to part with one at Weſtmin- " ſter, with the other at Cheapſide, where, whileſt an officer " doeth execution on him ſelf, the hangman is to doe execu- " tion on his booke, and burne it before his face. He is " withall to ſuffer perpetuall impriſonment by the decree of " the Starr Chamber. *There were of the lords, that counted* " *this not enough; they would have his noſe ſlitt, his arme* " *cutt off, and penn and inke for ever withheld from him; but* " *theſe were but fewe, and their cenſure ſtood not.*"

Prynne's puniſhment deſcribed.

* A clauſe introduced in the courſe of this ſummary, having reference to the Court of Requeſts, was ſubſequently objected to by the liberal leaders, and on a diviſion was rejected by 187 to 123 (this was the firſt diviſion on the great day when the final vote was taken), Sir John Clotworthy and Sir Thomas Barrington being tellers for the majority, and for the minority, Mr. Stanhope and Sir F. Cornwallis.

Court of Requeſts diviſion.

126) of the two memorable ſtatutes, for triennial parliaments, and for prevention of any abrupt diſſolution of the exiſting parliament, as conſtituting not only a remedy for the preſent, but a perpetual ſpring of remedies for the future; and, cloſing the ſtatement (137 to 142 incluſive), was a brief ſketch or intimation of other contemplated meaſures, which the exiſtence of thoſe two ſafeguards had enabled them to prepare with ſome reaſonable certainty of enactment even before the cloſe of the ſeſſion. Among them were laws and proviſions for defining and ſettling the powers of the biſhops; for abating pride and idleneſs in the clergy; for eaſing the people of needleſs and ſuperſtitious ceremonies; for removing unworthy, and maintaining godly, preachers; for ſo eſtabliſhing the King's revenue, as both to cut off ſuperfluities, and make more certain all neceſſary payments; for ſo regulating courts of juſtice as to abridge both the delays and the coſts of law; for better ſettling of the currency, and equality of exchanges; for increaſing manufactures and facilitating trade; for putting an end to the iniquities of preſs-money;* and for ſo improving the herring fiſhery on their own coaſts, as not only to give large employment to the poor, but to create and cheriſh a plentiful nurſery of ſeamen.

Two famous Statutes.

Other acts prepared:

titles and object thereof.

* In the Schedule of Grievances, before referred to, appears "the compelling ſome free-men, by impriſonment and threat-"ening, to take preſſe-money; and others, for feare of the "like impriſonment, to forſake their place of habitation, hid-"ing themſelves in woods, whereby their families are left to "ye charge of the pariſh, and harveſt worke undone for want "of labourers." *Diary of John Rous*, p. 92.

Horror of impreſſment.

6. *Practices of the Court Party.*

THEN aroſe, in connection with this mention of laws ſo deſirable to be paſſed, the conſideration of ſuch and ſo many obſtructions and difficulties then lying acroſs the path to their accompliſhment, as might ſtill prove ſtrong enough, and obſtinate enough, to defy removal. Clauſes 143-153.

The heart of the Remonſtrance lay here; and its authors made no ſecret of their aim in ſo ſhaping and directing it. The malignant party, they frankly declared, repreſenting ſtill the authors and promoters of all the miſeries and wrongs therein deſcribed, had taken heart again. Even during the preſent parliament, that party had been enabled again to prefer to degrees of honour, and to places of truſt and employment, ſome of its own factors and agents; and had uſed this influence to work, in the King, ill impreſſions and opinions of the proceedings of the Houſe of Commons: as if its members had altogether done their own work and not his, and had obtained from him many things very prejudicial to the Crown, both in reſpect of prerogative and profit. To wipe out which laſt-named ſlander, they thought it good to declare, that,—in voting 25,000*l.* a month for the relief of the Northern Counties, in voting 300,000*l.* by way of brotherly aſſiſtance to the Scots, and in voting above 50,000*l.* a month for the charge of the army, —all theſe ſums, which, with the addition of monies yielded by aſſeſſments on merchandize, amounted to a million and a half ſterling, had

Obſtructions expected.

Preferment of evil counſellors.

Reproach againſt Houſe:

of refuſing to ſupport the Crown.

been contributed to the greatneſs, the honour, and the ſupport of the King. He was bound to protect his ſubjects; and his ſubjects might well have claimed exemption from contributing to the relief of burthens, created by the very wrongs inflicted on themſelves. Yet, out of their purſe ſince the preſent parliament met, had this million and a half been voted to his Majeſty, by thoſe very members of the Houſe of Commons whom the ill-affected were now ſo "impudent" as to reproach with having done nothing for the King! (143 to 153 incluſive.)

A million and a half voted for the King.

As to the other reproach put forth to juſtify the ſlander, and touching mainly the queſtion of prerogative, it was met with challenge as frank and reſolute. While they acknowledged with thankfulneſs, and in the moſt impreſſive language, that the King had given his conſent, during the preceding ten months, to more good bills for the advantage of the ſubject than had been in many previous ages, they yet claimed to remember the venomous councils which had ſince gone far to obſtruct and hinder the benefits from theſe good acts. They proceeded to inſtance, one by one, the four ſtatutes,—the Triennial Bill, the Bill for Continuance of the Parliament, and the two Bills for Abolition of the Star Chamber and High Commiſſion,—ſingled out to eſtabliſh the charge of having prejudiced the Crown in prerogative as well as profit (in none other could be found ſo much as the ſhadow of pretence for ſuch a charge); and they declared themſelves content to reſt, upon no other than theſe four,

Clauſes 154-161.

Popular bills paſſed by King.

Four great acts recited.

'the iſſue whether or not they had been careful, ever, to avoid deſiring anything that ſhould weaken the Crown in its juſt profit or its neceſſary power. The Star Chamber and High Commiſſion had ceaſed, for ſome time before their abolition, to bring in any conſiderable fines; and, fruitful to the laſt in oppreſſion, were ſo no longer in revenue. The Triennial Bill had fallen ſhort of what the ancient law, exiſting ſtill in two unrepealed ſtatutes appointing parliaments each year, would have juſtified them in demanding. And though there might indeed ſeem to have been, in the Bill againſt putting an end without its own conſent to the Parliament then ſitting, ſome reſtraint of the royal power in diſſolving parliaments, it was to be remembered that the deſign of that ſtatute was by no means to take the authority out of the Crown, but ſimply to ſuſpend its operation for the ſpecific time and occaſion. Without it, the great pecuniary charges heretofore deſcribed could never have been undertaken: the firſt conſequence whereof muſt have been, the giving up of both armies to confuſion and of the kingdom to plunder; and the firſt and greateſt ſacrifice, that of the public peace and of the King's own ſecurity. (154 to 161 incluſive.)

No intention to weaken Crown by them.

Reſtraints neceſſary to ſafety.

'Thus far the ſlander of the ill-affected had reached, in relation to the King. But it had taken alſo a wider range; and, by ſuch aſperſions as that the Houſe of Commons had ſpent much time and done little work, eſpecially in the grievances concerning religion; and that it preſſed itſelf upon the kingdom with peculiar

Clauſes 162-168.

Slanders againſt

the Parliament. burthens, not only by the voting of many ſubſidies heavier than any formerly endured, but by exceſs in the protections againſt ſuits and debts granted to its members,—the attempt had been made to damage, with the people, the reputation of their repreſentatives, and to bring the Engliſh nation out of love with Parliaments. Yet was there truly a ready anſwer, if they to whom ſuch ſlander was addreſſed would but look back and forward. Before they judged this Parliament, let them look back to the long growth and deep root of the Grievances it had removed, to the powerful ſupports of the Delinquents it had ſtruck down, to the great neceſſities of the Commonwealth for which it had provided,—let them look forward to the many advantages which not the preſent only but future ages would reap, from the laws it had paſſed and the work it had accompliſhed,—and where was the indifferent judgment, to which its burthen laid upon the ſubject would not ſeem lighter than in any former example, and to which its time ſpent in deliberation would not appear to have been better employed than a far greater proportion of time in many former parliaments put together? In the only direction where it was poſſible that juſt reaſon for complaint might exiſt, already a bill was under diſcuſſion to provide a remedy; and any undue ſtretching of thoſe protections * from ſuit and arreſt which were neceſſary to the diſcharge of the

Danger of haſty judgments.

Compariſon with former parliaments.

Alleged exceſs of privilege.

* "By which the debts from parliament men, and their "followers, and dependants, were not recoverable." *Clarendon, Hiſt.* ii. 55.

functions of a legiſlator, would now very ſpeedily be removed. (162 to 168, inclusive.)

But what was the character of the men, and what their daily practices and efforts, by whom theſe ſlanders had been buſily diſperſed? They were the ſame men who moſt buſily had ſown diviſion between the ſiſter kingdoms, and ſtriven to incenſe againſt each other the ſubjects of one Crown: Who had been able ſo to influence the biſhops, and a party of Popiſh lords in the upper Houſe, as to create thoſe very obſtructions and delays for which the lower Houſe was aſſailed: Who had laboured, not unſucceſsfully, to ſeduce and corrupt ſome even of the repreſentatives of the people, and to draw them into combinations againſt the liberty of parliament: Who, by their inſtruments and agents, had tampered with the King's army for the ſame wicked and traitorous purpoſe, and had twice engaged in plots to bring up a force to overawe the deliberations of the Houſe of Commons, and to ſeize the perſons of its leaders: Whoſe deſigns with this view, as well in Scotland as in England, had ſtill been defeated, before ripe for execution, by the vigilance of the well-affected; but who had been ſo far more ſucceſsful in Ireland, that not till the very eve of the day when the main enterpriſe ſhould have been executed at Dublin, was diſcovery made, by God's wonderful providence, of their ſcheme to poſſeſs themſelves of that whole country, to ſubvert totally its government, to root out and deſtroy the Proteſtant religion, and to

Clauſes 169-180.

The party hoſtile to Parliaments.

Intriguers with Army.

Promoters of Rebellion.

maſſacre all, without exception, of whatever ſex or age, who were bred in it, or likely to be faithful to it. Which deviliſh deſign was ſo far purſued notwithſtanding, that open rebellion had broken out in other parts of the Iriſh kingdom, many towns and caſtles had been ſurpriſed, many murders and villanies unutterable perpetrated,* all bonds of obedience to the King and the laws ſhaken

The Iriſh tragedy.

* It has been reſerved for our own time, after ſuch a lapſe of years as might have ſeemed to render wholly incredible the poſſibility of a recurrence of ſuch horrors, to furniſh a parallel to the unſpeakable cruelties perpetrated in this Iriſh Rebellion. "The innocent Proteſtants" (I quote the hiſtorian May, no vehement or exaggerated writer) "were upon a "ſudden diſſeiſed of their eſtates, and the perſons of above "two hundred thouſand men, women, and children murthered, "many of them with exquiſite and unheard of tortures, with- "in the ſpace of one month. . . Dublin was the ſanctuary of "all the deſpoiled Proteſtants, . . and what miſchiefs ſoever "were acted in other parts, were there diſcovered and lamented. "Their eyes were ſad witneſſes of the rebels' cruelty, in ſuch "wretched ſpectacles as daily from all parts preſented them- "ſelves: people of all conditions and qualities, of every age "and ſex, ſpoiled and ſtripped . . . And beſides the miſeries "of their bodies, their minds tortured with the loſſe of all "their fortunes, and ſad remembrance of their huſbands, "wives, or children, moſt barbarouſly murdered before their "faces . . . But that part of this woful tragedy preſented to "the eyes was the leaſt, and but the ſhadow of that other "which was related to their ears, of which the readers and all "poſterity may ſhare the ſorrow. Many hundreds of thoſe "which had eſcaped,—under their oaths lawfully taken upon "examination, and recorded with all particulars,—delivered "to the Councill what horrid maſſacres the bloody villains "had made of men, women, and children; and what cruel "inventions they had to torture thoſe whom they murdered; "ſcarce to be equalled by any the moſt black and baleful "ſtory of any age. Many thouſands of them at ſeveral places "(too many to be here inſerted), after all deſpites exerciſed "upon them living, were put to the worſt of deaths: ſome "burned on ſet purpoſe, others drowned for ſport and paſtime; "and if they ſwam, kept from landing with poles, or ſhot or "murdered in the water: many were buried quick, and ſome "ſet into the earth breaſt high, and there left to famiſh. But

Maſſacres of Iriſh Proteſtants.

Narrative by May.

off, and ſuch a fire in general kindled, as nothing but God's infinite bleſſing upon the meaſures and endeavours now at this time in progreſs would be able to quench. And to that ſo miſerable tragedy in Ireland, but for the great mercy of Providence in confounding former plots, this country of England would have been made to furniſh the lamentable prologue. (169 to 180 inclusive.)

Intended prologue to tragedy in England.

7. *Defence of the Popular Leaders.*

"AND now," proceeded this memorable Clauſes 181-191.

" moſt barbarous (as appears in very many examinations) was " that cruelty which was ſhowed to pregnant women, whom " the villains were not content to murder, but——. But I " am loath to dwell upon ſo ſad a narrative." Lib. 2, cap. i. 14. Let a brief paſſage from the authentic *Ruſh-worth* (Part III. vol. i. p. 416-7) complete the horror, and with it the appalling parallel to incidents which have plunged this living generation into mourning. " For ſuch of the Engliſh as " ſtood upon their guard, and had gathered together, though " but in ſmall numbers, the Iriſh fairly offered unto them good Narrative " conditions of quarter, aſſured them their lives, their goods, by Ruſh- " and free paſſage, and as ſoon as they had them in their worth. " power, held themſelves diſobliged from their promiſes, and " left their ſoldiers at liberty to deſpoil, ſtrip, and murder " them at pleaſure . . . Their ſervants were killed as they " were ploughing in the fields, huſbands were cut to pieces in " the preſence of their wives, their children's brains were " daſhed out before their faces . . their goods and cattle " ſeized and carried away, their houſes burnt, their habita- " tions laid waſte, and all as it were at an inſtant, before they " could ſuſpect the Iriſh for their enemies, or any ways " imagine that they had it in their hearts, or in their power, " to offer ſo great violence, or do ſuch miſchief." Claren- Clarendon's own touching account (viii. 9, and elſewhere) of the don's acbarbarous circumſtances of cruelty with which, in the ſpace of count. leſs than ten days, an incredible number of proteſtants, " men, " women, and children promiſcuouſly, and without diſtinction " of age and ſex," were murdered, muſt be familiar to every reader of his Hiſtory.

Declaration, in language which its authors might fairly have claimed to be appealed to on all occaſions afterward when their deeds or their motives ſhould be called in queſtion—"And "now, what hope have we but in God? The "only means of our ſubſiſtence, and power of "Reformation, is, under Him, in the Parliament; but what can we, the Commons, without the conjunction of the Houſe of Lords? "and what conjunction can we expect there, "when the Biſhops and recuſant Lords are ſo "numerous and prevalent, that they are able "to croſs and interrupt our beſt endeavours "for Reformation, and by that means give "advantage to this malignant party to traduce "our proceedings?

Hopes of leaders of Commons.

"They infuſe into the people that we mean "to aboliſh all Church Government, and leave "every man to his own fancy for the ſervice "and worſhip of God, abſolving him of that "obedience which he owes under God to his "Majeſty; whom we know indeed to be in-"truſted with the eccleſiaſtical law as well as "with the temporal, to regulate all the mem-"bers of the Church of England—though by "ſuch rules of order and diſcipline only as are "eſtabliſhed by Parliament; which is his great "council in all affairs, both in Church and "State.

Reply to their aſſailants.

"They have ſtrained to blaſt our proceed-"ings in parliament by wreſting the interpre-"tations of our Orders from their genuine "intentions. They tell the people that our "meddling with the power of Epiſcopacy hath "cauſed ſectaries and conventicles, when it is

Champions of Epiſcopacy:

"Idolatry,* and the Popiſh Ceremonies intro-
"duced into the Church by command of the
"Biſhops, which have not only debarred the their
"people from them, but expelled them from ſlanders.
"the kingdom. And thus, with Eliab, we are
"called by this malignant party the troublers
"of the State; and ſtill, while we endeavour
"to reform their abuſes, they make us authors
"of thoſe miſchiefs we ſtudy to prevent.

"We confeſs our intention is, and our en- Deſign
"deavours have been, to reduce within bounds of the Biſhops'
"that exorbitant power which the Prelates Bill.
"have aſſumed unto themſelves, ſo contrary
"both to the word of God and to the laws of
"the land: to which end we paſſed the Bill
"for the removing them from their temporal
"power and employments, that ſo the better
"they might with meekneſs apply themſelves
"to the diſcharge of their functions; which Bill
"they themſelves oppoſed, and were the prin-
"cipal inſtruments of croſſing.†

"And we do here declare that it is far from No inten-
"our purpoſe or deſire to let looſe the golden tion to
"reins of diſcipline and government in the relax juſt diſcipline.
"Church, leaving private perſons or particular

* No expreſſion was ſo hotly conteſted in the Houſe as this Idolatry
of *Idolatry*. It was debated, as the reader has been already in the
told, with extraordinary vehemence; the clauſe containing it Church.
was recommitted twice; Falkland and Culpeper were added
to the Committee appointed "to prepare the clauſe in ſuch a
"manner as may be agreeable to the ſenſe of the Houſe;"
and after a diviſion taken on the queſtion of whether it ſhould
ſtand, which was carried by a majority of twenty-five, it was
again, on the final debate, vehemently diſcuſſed.

† This clauſe alſo was ſtrenuouſly conteſted to the laſt, and
on the day when the final diviſion on the Remonſtrance was
taken, as will hereafter be ſeen, it was again put to the vote.

" congregations to take up what form of divine
" ſervice they pleaſe: for we hold it requiſite
Conformity deſired. " that there ſhould be, throughout the whole
" realm, a conformity to that order which
" the Laws enjoin according to the word of
" God. But we deſire to unburden the con-
" ſciences of men of needleſs and ſuperſtitious
" ceremonies, to ſuppreſs innovations, and to
" take away the monuments of idolatry.*

Suggeſtion for a Synod: " The better to effect which intended Re-
" formation, we deſire there may be a General
" Synod of the moſt grave, pious, learned,

Authorſhip of Remonſtrance. * Clarendon more than once imputes the main authorſhip of the Remonſtrance to Pym; but the ſhare taken in it by that great ſtateſman is yet more ſatisfactorily eſtabliſhed by the extraordinary number of paſſages in it, identical in ſtyle, in manner, and often in the moſt preciſe expreſſion, with his printed ſpeeches. The paſſages on Church government quoted above are among the many ſuch proofs from internal evidence. In themſelves they are remarkable, and they agree exactly with the tone and terms of the brief but impreſſive "Declaration and Vindication" which the maligned leader of the popular party put forth, with his own name, againſt the calumnies of the royaliſts during the year preceding his death.

Aſcribed to Pym.

Parallel paſſages from Pym's *Vindication.*

"That I am, ever was, and ſo will die, a faithful ſon of the
"Proteſtant Religion, without having the leaſt relation, in
"my belief, to the groſs errors of Anabaptiſm, Browniſm, or
"any other revolt from the orthodox doctrine of the Church
"of England, every man that hath any acquaintance with
"my converſation can bear me righteous witneſs. Theſe are
"but aſperſions caſt upon me by ſome of the diſcontented
"clergy, and their factors and abettors; becauſe they might
"perhaps conceive that I had been a main inſtrument in ex-
"tenuating the haughty power and ambitious pride of the
"biſhops and prelates . . And was it not high time to ſeek
"to regulate their power, when, inſtead of looking to the
"cure of men's ſouls (which is their genuine office), they
"inflicted puniſhment on men's bodies, baniſhing them to
"remote and deſolate places, bringing in papiſtical cere-
"monies by unheard of canons into the Church, impoſing
"burdens upon men's conſciences which they were not able
"to bear, and introducing the old aboliſhed ſuperſtition of
"bowing to the altar?"

"and judicious divines of this iſland, aſſiſted "with ſome from foreign parts, profeſſing the "ſame religion with us; who may conſider of "all things neceſſary for the peace and good "government of the Church, and repreſent "the reſults of their conſultations unto the "Parliament. There, to be allowed of, and "confirmed; and to receive the ſtamp of au- "thority whereby to find paſſage and obedience "throughout the kingdom. to ſettle Church Govern- ment.

"We have been maliciouſly charged with "the intention to deſtroy and diſcourage "Learning, whereas it is our chiefeſt care and "deſire to advance it, and to provide ſuch "competent maintenance for conſcientious and "preaching miniſters throughout the realm as "will be a great encouragement to ſcholars, "and a certain means whereby the want, mean- "neſs, and ignorance to which a great part of "the clergy is now ſubject, will be prevented. Deſire to advance Learning:

"And we have intended likewiſe to reform "and purge the Fountains of Learning, the "two Univerſities, that the ſtreams flowing "from thence may be clear and pure, and an "honour and comfort to the whole land." by re- forming Univerſi- ties.

So ran the clauſes of the Great Remon- ſtrance from the 181ſt to the 191ſt incluſive, memorable always for their plain vindication of the motives and meaning of its authors.

8. *Remedial Meaſures demanded.*

Fourteen clauſes more, from the 192nd to the 206th, carried the Remonſtrance to its cloſe. In theſe were frankly indicated the meaſures Clauſes 192-206.

Demands made.

which the people were entitled to demand, as their only ſafe or ſufficient guarantee againſt the recurrence, at any moment, of the wrongs and ſufferings of the paſt ſixteen years. The groundwork of theſe meaſures, I may remark, was preciſely that which formed afterwards the baſis of the ſettlement by which alone the Monarchy was again firmly eſtabliſhed in England. It compriſed ſafeguards againſt the Roman Catholic religion; ſecurity for the better adminiſtration of the laws; and conditions for the future ſelection of only ſuch counſellors and miniſters by the King, as the Parliament might have reaſon to confide in.

Settlement of Monarchy with limitations.

Safeguards againſt Roman Catholic Religion.

For the firſt, it was laid down broadly that the principles of thoſe who profeſſed the Roman Catholic religion ſo certainly tended to the deſtruction and extirpation of all Proteſtants, whenever they ſhould have opportunity to effect it, that it was abſolutely neceſſary to keep them in ſuch condition, as that they might not be able to do any hurt;* and

Pym's view as to Popery:

diſlike of the ſtateſman, not the bigot.

* The expreſſion is exactly that which Pym had employed in his ſpeech on grievances in the Short Parliament, in a paſſage which vindicates his memory from any imputation of intolerance. It is always with the prudent ſpirit of the ſtateſman, and never with the unreaſoning hatreds of the bigot, that this great ſpeaker adverts to the Roman Catholic religion. "He did not deſire any new laws againſt Popery, or any "rigorous courſes in the execution of thoſe already in force. "He was far from ſeeking the ruin of their perſons or eſtates; "only he wiſht they might be kept in ſuch a condition as "ſhould reſtrain them from doing hurt . . . The principles "of Popery are ſuch as are incompatible with any other "religion. Laws will not reſtrain them. Oaths will not. "The Pope can diſpenſe with both theſe; and where there is "occaſion, his command will move them to the diſturbance "of the realm, againſt their own private diſpoſition, yea againſt "their own reaſon and judgment, not only in ſpiritual matters

that ſuch connivance and favour, therefore, as had theretofore been ſhown to them, ſhould thereafter be avoided.* With this view his Majeſty was moved to grant a ſtanding commiſſion to ſome choice men named in Parliament, who might take watch of their increaſe, report upon their counſels and proceedings, and uſe all due means, by execution of the laws, to prevent miſchievous deſigns, from that quarter, againſt the peace and ſafety of the

Suggeſted Commiſſion.

"but in temporal. Henry III and Henry IV of France "were no Proteſtants themſelves, yet were murthered becauſe "they tolerated the Proteſtants. The King and the king-"dom can have no ſecurity but in their weakneſs and diſ-"abilitie to do hurt."

* It is not neceſſary to multiply illuſtrations of the thorough underſtanding of the character of the King, which appears in, and juſtifies, the various urgent warnings of the Remonſtrance againſt his dangerous tendency to intercourſe with Rome. But let me refer the reader to one of the lateſt and moſt deciſive evidences on this point, furniſhed in the very curious and intereſting volume of Letters written by Charles to his Queen in 1646, publiſhed by the Camden Society in 1856, and moſt carefully edited by Mr. John Bruce. In theſe letters will be found the moſt ſatisfactory of all evidence, under his own hand, of the otherwiſe incredible and utterly inſane ſcheme by which he propoſed, to that congenial helpmate who did more than all the reſt of his adviſers to bring about the tragedy of his death, that ſhe ſhould "invite the Pope "and other Roman Catholics to help me for the reſtitution of "Epiſcopacy in England, upon condition of giving them free "liberty of conſcience, and convenient places for their devo-"tions. . . I deſire thee not," he adds, "to communicate "this motion to any of the French miniſters of ſtate, but I "would have thee to acquaint the Cardinal with it, requiring "his aſſiſtance, for certainly France is as much obliged to "aſſiſt me as honour can make it." p. 42. The intended mode of doing it was worthy of the thing to be done. The Queen was to get the French government to invade England with 6000 men, and with theſe, and double the number of Iriſh Roman Catholics, Charles propoſed to provide for the ſafe re-eſtabliſhment of the Engliſh Proteſtant Church and his own royal authority! *Letters in* 1646, pp. 24 and 89. And ſee Clarendon's *State Papers*, ii. 262.

The King's tendencies to Rome.

Compact for reſtoration of Epiſcopacy.

Propoſed invitation to the French!

realm. And it was further ſuggeſted, that ſome ſufficient teſts ſhould be applied to that counterfeit and falſe conformity of Papiſts to the Engliſh Church, by colour of which perſons greatly diſaffected to the true religion had been admitted into places of higheſt authority and truſt in the kingdom.

ii. Securities for Adminiſtration of Laws.

For the ſecond, ſtipulation was made, that, for the better preſervation of the liberties and laws, all illegal grievances and exactions ſhould be preſented and puniſhed at the ſeſſions and aſſizes; that judges and juſtices ſhould be very careful to give this in charge to the grand juries; and that both the ſheriff and the juſtices ſhould be ſworn to the due execution of the Petition of Right and other laws.

iii. Protection againſt Evil Counſellors.

For the third, a ſeries of precautions were ſuggeſted to meet thoſe caſes of not infrequent occurrence, when the Commons might have juſt cauſe to take exceptions at particular men for being ſelected to adviſe the King, and yet have no juſt cauſe to charge them with crimes. Seeing that there were grounds of diffidence which lay not in proof, and others which, though proveable, were yet not legally criminal (as, to be a known favourer of Papiſts, or to have been very forward in countenancing and ſupporting great offenders queſtioned in Parliament, or to have become notorious for a ſtudied contempt of Parliamentary proceedings), the moſt cogent reaſons might exiſt to be earneſt with the King not to put his great affairs into ſuch hands, though the Commons might be unwilling to proceed againſt them in any legal way of impeachment. It was then

Parliament to be conſulted in choice of Miniſters.

plainly ſtated that ſupplies for ſupport of the King's own eſtate could not be given, nor ſuch aſſiſtance provided as the times required for the Proteſtant party beyond the ſea, unleſs ſuch Counſellors, Ambaſſadors, and other Miniſters only were in future employed as Parliament could give its confidence to; and unleſs all Counſellors of State were ſworn, as well to avoid receiving, in any form, reward or penſion from any foreign prince,* as to obſerve ſtrictly thoſe laws which concerned the ſubject at home in his liberty.

Miniſters to be made ſubject to laws.

And ſo this famous Declaration ended, with a prayer that his Majeſty might ever have cauſe to be in love with good counſel and good men; and, profiting by the humble and dutiful repreſentations therein made, might acknowledge how full of advantage it would be, to himſelf, to ſee his own eſtate ſettled in a condition ſufficing to ſupport his honour, to ſee his people united in ways of duty to him and in endeavours for the public good, and, by the influence of his own power and government, to ſee derived to his own kingdom, and procured to thoſe of his allies, Happineſs, Wealth, Peace, and Safety.

Cloſing prayer of Remonſtrance.

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§ XIII. THE HOUSE AND ITS MEMBERS: 22ND NOV. 1641.

SUCH was the Declaration, the Great Remonſtrance, which lay engroſſed on the table

Monday, 22nd Nov. 1641.

* On Friday the 11th of December 1640, I find from a manuſcript report of the proceedings of that day, Pym handed in ſeveral petitions, and among them one from "Joſeph

Engliſh ſtateſmen:

of the houſe on Monday the 22nd of November 1641, waiting the final vote. The King, eager at laſt to reach London before that vote could be taken, was now haſtening with all ſpeed back from Edinburgh; and the fact that he was only diſtant a two days' journey was, doubtleſs known to Pym, Hampden, and Cromwell, when they paſſed into the houſe that morning.

King approaching London.

10 o'clock A.M. Speaker late.

The Speaker was late, probably in expectation that he ſhould have to ſit long; and prayers were not over until a little after ten. There is then ſome buſineſs eſſential to be done, and honourable members eager for the great debate are fain to curb their impatience. Mr. Wheeler, the member for Weſtbury, has to report concerning a delinquent involved in the recent conſpiracies. Sir John Price, the member for Montgomeryſhire, has ill report to make of a Mr. Blany, a Welſh juſtice of peace. Mr. Strode has to complain of an order of the Houſe as to a caſe in the Exchequer tending to throw diſcredit on himſelf, and to obtain correction of the ſame. Mr. Speaker has to prefer a petition from ſome hundred or ſo of the Moniers of the mint, claiming to be exempt, by the precedents of four centuries, from contributing to the payment of the laſt ſix ſubſidies voted by the Commons; which petition, having been preſented to the King, his Majeſty had commended

Petition from moniers.

and foreign penſions.

"Hawes and other merchants touching the wrongs done them "at ſea by the Spaniards;" and moved that it ſhould be referred "to the ſame committee appointed to conſider of the "Turkiſh pirates and Algiers, and to enquire what miniſters "of our State do receive penſions from foreign States."

to Mr. Speaker for preſentation this day, and by the Houſe was now ordered to be referred to the committee for poll-money, ſome not very courtly members remarking that "theſe "ſubſidies were given to the Commonwealth "and not to the King, and therefore they were "not freed by any charter of exemption." But, above all, Mr. Pym has to report the reſult of a conference with the Lords the preceding Saturday on Iriſh affairs, and ſundry important matters relating thereto. He has evidence to offer that "this deſign of Ireland "was hatched in England." He has a petition bearing on theſe affairs to preſent from Sir Faithful Forteſcue. He has to make an important ſuggeſtion for the tranſport, to Ireland, of the magazine at Hull; to get authority for the neceſſary eſtimates, from the officers of ordnance, as to the number of ſhips required for ſuch tranſport; to take order for the immediate proviſion thereof; and to obtain means, by a vote of 4000*l.* to Mr. Crane, the victualler of the Navy, for the haſtening away of other ſhips to guard the coaſt of Ireland.

Diſtinction between Commonwealth and King.

Pym on Ireland.

So the time paſſed until the clock had ſtruck twelve, when, as the members began to hurry out for dinner, cries became loud for the debate on the Remonſtrance. Thereupon, order having been made (ſo little in ſome quarters, even then, was any debate of unuſual duration expected) that the Iriſh buſineſs ſhould be reſumed as ſoon as the debate on the Declaration was done, and the order of the day for reſumption of the latter ſubject having been read, Mr. Hyde roſe and deſired that the

12 o'clock A.M. Dinner-hour.

Cries for order of day.

Serjeant might be ſent with his mace to call up ſuch members of the houſe as were then walking in Weſtminſter Hall. It was a device to gain time, Mr. Hyde, we may preſume, not liking to ſpeak to thinly occupied benches; but, on the other hand, the liberal leaders were intereſted to have no time loſt, and many reſiſted the propoſal. After ſome debate, however, the objectors gave way, and the Serjeant with his mace departed accordingly.

Hyde's motion to gain time.

The old Houſe of Commons, it may be well here to remind the reader, now that a generation has grown up who never ſaw the narrow, ill-lighted, dingy room, in which for three centuries ſome of the moſt important buſineſs of this world was tranſacted, ran exactly at right angles with Weſtminſter Hall, having a paſſage into it at the ſouth-eaſt angle. The Hall itſelf, in thoſe days, ſhared in all the excitements of the Houſe; and nothing of intereſt went on in the one, of which viſible and eager indications did not preſent themſelves in the other.

The old Houſe of Commons.

Weſtminſter Hall.

It was here, in the Hall, within an hour after the diſſolving of the Short Parliament, that the cheerful and ſanguine Mr. Hyde, with deeply deſpondent face, deplored gloomily that raſh ſtep to the dark and reſerved Mr. St. John, who, with laughter lighting up features rarely known to ſmile, rejoined briſkly that all was well, and it muſt be worſe before it would be better. It was here, upon the aſſembling of the Long Parliament, that Mr. Hyde had walked up and down conferring on the ſtate of affairs with Mr. Pym, when that worthy and

Famous aſſociations.

diſtinguiſhed member told him they muſt now be of another temper than they had been heretofore, and muſt not only ſweep the houſe clean below, but muſt pull down all the cobwebs which hung in the top and corners, that they might not breed duſt, and ſo make a foul houſe hereafter. It was here the King himſelf was ſo ſoon to enter on his ill-fated errand againſt the Five Members, ſtriking ſuch a fear and terror, according to a manuſcript report now before me, "into all thoſe that kept ſhops "in the ſaid Hall, or near the gate thereof, as "they inſtantly ſhut up their ſhops."* For here alſo ſuch trades as thoſe of bookſellers, law-ſtationers, ſempſtreſſes, and the like, found cuſtomers among the variouſly idle, buſy, or curious people, continually drawn together; and under the roof of the noble old Hall, whatever the buſineſs in progreſs might be within the Courts adjoining or in the Chapel beyond, might be heard the old city cry of *What d'ye lack?* addreſſed to lawyers walking up and down till their caſes in the Bench or Exchequer come on, to clients in attendance to conſult with their lawyers, to politicians anxious for news, and to members of either Houſe eſcaping from committees or debates. —As thoſe of the lower Houſe, however, for whom Mr. Hyde ſent the Serjeant and his mace, have doubtleſs by this time been col-

Pym and Hyde.

Shops in the Hall.

Place of reſort:

for M.P.'s lawyers, and clients.

* Bookſellers, law-ſtationers, ſempſtreſſes—theſe and other trades akin to theſe, now and for ſome time later, plied their callings in the place; and Laud notices in his Diary a narrow eſcape of the Hall from being burnt down, owing to a fire in one of the ſtalls. Laud's *Diary.*

lected, it is our buſineſs to enter St. Stephen's with them and obſerve the aſpect it preſents.

St. Stephen's Chapel.

The entire length of the room in which the members ſat was ſomething leſs than the breadth of Weſtminſter Hall; and, handſome as it originally had been, with its rich architecture and decorated paintings of the thirteenth century, it had loſt all trace of theſe under boards and whitewaſh immediately after the Reformation, when alſo a new floor above, and a new roof under, the old, ſtill more abridged its proportions. At the weſtern end, the entrance was between rows of benches, paſſing the bar, and underneath a gallery into which members mounted by a ladder on the right-hand corner, near the ſouthern window. At the eaſtern end, a little in advance of a large window looking on the river, ſtood the Speaker's chair; and again, a little leſs in advance of that, towards the middle of the floor, ſtood the Clerk's table, at which ſat Henry Elſyng, and John Ruſhworth his lately appointed aſſiſtant, with their faces to the mace and their backs to the Speaker. Then, on right and left of the Speaker, in benches ſtretching along and ſpringing up as in an amphitheatre on either hand, were aſſembled the Honourable Members. There they ſat, puritan and courtier, the pick and choice of the gentlemen of England; with bearded faces cloſe-cut and ſtern, or here and there more gaily trimmed with peak and ruff; faces for the moſt part worn with anxious thoughts and fears, heavy with toil, weary with reſponſibility and care, often with long impriſonment; there

Its old interior.

Officers of Houſe.

Honourable members.

they ſat, in their ſteeple hats and Spaniſh cloaks, with ſwords and bands, by birth, by wealth, by talents, the firſt aſſembly of the world. And there, preſiding in his great chair ſurmounted by the arms of England, ſat Mr. Speaker; alſo hatted, cloaked, and ſworded like the reſt; but not always treated by them, nor in ſooth always treating them, with the reſpect which has gathered to his office in later time. Poſition of Mr. Speaker.

It was but a few weeks, for example, before the late receſs, that that honourable barriſter and member for Melcombe Regis, Mr. Richard King, took upon himſelf to declare, that, in a particular rebuke which Mr. Speaker had addreſſed to another honourable member, he had "tranſgreſſed his duty in uſing ſo diſgraceful "a ſpeech to ſo noble a gentleman;" and though the Houſe interfered to protect their Speaker, and Mr. King was commanded to withdraw into the Committee Chamber, the matter ended in but "a conditional apology "with which the Houſe was not ſatiſfied but "the Speaker was." The noble gentleman whom it vexed Mr. King to ſee treated with diſreſpect was the younger brother of Lord Digby, Mr. John Digby, member for Milborn Port; who, on the day when his brother would have been expelled the Houſe of Commons if the King's letters-patent had not iſſued the night before calling him to the Houſe of Lords, "came into the houſe, and getting upon the "ladder that ſtands at the door of the houſe "by which the members thereof uſually go up "to thoſe ſeats which are over the ſame door Richard King's attack on Lenthal. Hon. Mr. John Digby: his diſreſpect to Houſe:

"under the gallery, he ſat ſtill upon the ſaid "ladder;"* whereupon the Speaker, doubtleſs coupling the act, as a ſign of diſreſpect, with a diſplay of inſubordination by the ſame young gentleman on diſcuſſion of his brother's caſe the previous day, "called out to him, and "deſired him to take his place, and not to ſit "upon the ſaid ladder as if he were going to "be hanged: at which many of the Houſe "laughed," and Mr. King, as aforeſaid, was indignant. The incident leaves us at leaſt no room for doubt, that, though the Speaker's powers were in their infancy as yet, and his claim to proper conſideration only grudgingly admitted, he had nevertheleſs as unruly an aſſemblage to deal with, as the powers and conſideration conceded to him in modern parliaments have found themſelves barely equal to govern.† Inceſſant certainly were the rebukes

Rebuked by Lenthal.

Mr. Speaker's powers.

Selden and the Digbys.

Digby on his ladder and the ape on houſe-top.

D'Ewes and Lenthal.

* Selden has a note in his *Table Talk* referring to this affair of the Digbys, and comparing the new-made lord, ſafe from the wrath of the Commons, to an ape on the houſe-top grinning at the whip below, of which the ſarcaſtic humour might probably enough have been ſuggeſted by the incident D'Ewes has preſerved for us. If the learned member for Oxford Univerſity, as is moſt likely, actually ſaw the younger Digby ſneering at Mr. Speaker from the top of his ladder, the other image of the ape might naturally preſent itſelf. "My lord "Digby having ſpoken ſomething in the Houſe of Com-"mons, for which they would have queſtioned him, was "preſently called to the Upper Houſe. He did by the Par-"liament, as an ape when he hath done ſome waggery: his "maſter ſpies him, and he looks for his whip, but before "he can come at him, 'whip,' ſays he *to the top of the "houſe!*"—*Table Talk*, p. 175. (Ed. Irving, 1854.)

† Even Sir Simonds D'Ewes himſelf, one of the moſt prim and preciſe of men, and a very Grandiſon of propriety in regard to all cuſtoms, orders, records, and authorities of the Houſe, in which he was a marvellous proficient, yet indulges himſelf without ſcruple, when any occaſion ariſes, in a ſneer-

offered, and the rebuffs received, by Mr. Speaker Lenthal; who, ſetting aſide the one notable act of his career, had but commonplace qualities of his own to ſuſtain him; and who, in eſpecial, ſeems often to have found (herein perhaps not differing from later experiences in

Lenthal's weakneſs.

ing diſreſpect to Mr. Speaker. On the ſecond of December 1641, for example, there is quite a paſſage of arms between them. It begins with D'Ewes, "ſitting in my uſual place "near his chair," correcting Mr. Speaker on a point of order connected with a ſummons to conference with the Lords. Then, upon D'Ewes moving to have the Londoners' petition read over again, Mr. Speaker takes his turn by interpoſing that it is the worthy member's own fault to have been abſent at the reading on the previous day; but has to cry D'Ewes' mercy, on the latter pleading his abſence that day at Hampton Court, by order of the Houſe itſelf, to aſſiſt in preſenting the Great Remonſtrance to the King. Then Mr. Waller gets up to ſpeak, and handles both the points ſtarted, as well the conference with the Lords as the Londoners' petition. To him ſucceeds D'Ewes, who alſo enlarges upon both ſubjects under various heads, until Mr. Speaker becomes manifeſtly uneaſy. "Having proceeded thus far or a little further, I "perceived the Speaker often offering to riſe out of his chair "as if he intended to interrupt me." An explanation follows. Mr. Speaker thinks D'Ewes out of order in not taking points ſeparately, firſt the matter of conference with the Lords, and then the Londoners' petition afterwards. "Whereupon "I ſtood up again and ſaid, 'Truly, ſir, I am much behold- "'ing to you for admoniſhing me, but if you had been but "'pleaſed to have informed the gentleman who ſpoke laſt "'before to both the particulars, you would have ſaved me "'my labour, for I did but follow his method;' at which "the Houſe laughed; and the Speaker being half aſhamed "of what he had done, ſtood up again and confeſſed that he "did permit Mr. Waller &c. and now he left it to the "Houſe, &c." Other ſimilar inſtances might be quoted. One had occurred in reference to a point on the paſſing of the Subſidy Bill, on the previous 13th of February, 1640-1, when the Speaker had predicted all ſorts of ill conſequences from a particular courſe of procedure, and D'Ewes is careful to inform him (and us) that "no inconvenience had fol- "lowed." Another involved a very ſharp encounter (26th Feb. 1641-2) with Sir Arthur Haſelrig. And any one who cares to purſue the ſubject will find additional illuſtrations in my *Arreſt of Five Members*, § xxiii.

A quarrel on point of order.

D'Ewes lectures Mr. Speaker.

Lenthal's ſubmiſſion.

Magiſter Venter.

the ſame ſeat) the dinner-hour an almoſt inſuperable difficulty. As it has been with many a modern Mr. Speaker between the hours of ſeven and eight in the evening, ſo fared it with Mr. Lenthal between twelve and one mid-day.* Not a great many days before the preſent ſitting, the ruſh of members out of the Houſe at that hour, during a debate on ſupply, had been ſuch that he was fain flatly to tell them "they were unworthy to ſit in this great and wiſe aſſembly in a parliament that would ſo run forth for their dinners." † And now, though the Serjeant has returned with ſeveral members from the Hall, ſo many more continue abſent from the Houſe at this clamorous hour, that Mr. Hyde ſtill waits and defers to ſpeak.

Houſe emptied by dinner bell.

* There is a pleaſant paſſage in Clarendon's *Life* (i. 90), where he expreſſly excepts certain leading members from this habit of ruſhing out at the time of dinner, and deſcribes what plan they adopted. When their hours had become very diſorderly, he ſays, the Houſe ſeldom riſing till after four of the clock in the afternoon, he uſed to be frequently invited ("importuned" he calls it) to dine with the party of whom Pym was the leader, and often went with them accordingly to "Mr. Pym's lodging, which was at Sir Richard Manly's "houſe, in a little court behind Weſtminſter Hall, where he, "and Mr. Hampden, Sir Arthur Haſelrig, and two or three "more, upon a ſtock kept a table, where they tranſacted "much buſineſs, and invited thither thoſe of whoſe converſion they had any hope." It was after one of theſe dinners, the ſummer evening being fine, that Nathaniel Fiennes having propoſed to Mr. Hyde to ride into the fields and take a little air, they two ſent for their horſes, and, while riding in the fields between Weſtminſter and Chelſea, Mr. Fiennes did his beſt to convert Mr. Hyde from his notions as to the government of the Church.

Pym's dinner parties.

An evening ride.

† This will explain a ſaying of Lord Falkland's reported in one of the ſuppreſſed paſſages of Lord Clarendon's Hiſtory, recently reſtored (ii. 595, Appendix F), "that they who "hated biſhops, hated them worſe than the devil; and they "who loved them, loved them not ſo well as they did their "dinners."

While he does this yet a few minutes longer, let us ſeize the occaſion to obſerve where ſome of the prominent people ſit. The member whoſe manuſcript record chiefly has been quoted, Sir Simonds D'Ewes, will guide us to the knowledge here and there, in jotting down his own ſpeeches; for, as it was then the cuſtom to avoid mention as well of the place repreſented as of the member's name, the principal mode of indicating a previous ſpeaker was by ſome well known perſonal quality, or by his poſition in the houſe.* Sir Simonds himſelf ſat uſually by the Speaker's chair, on the lowermoſt form cloſe by the ſouth end of the clerk's table; and there, whatever the ſubject of debate might be, or the excitement going on around him, the preciſe ſelf-ſatiſfied puritan gentleman ſat, writing-apparatus forming part of his equipment, his eyes cloſe to the paper (for their ſight was defective), and ever buſily taking his Notes: but it was his cuſtom, when he ſpoke,

Where leading members ſit.

Sir Simonds D'Ewes:

taking his notes.

* Thus old Sir Harry Vane, referring to D'Ewes himſelf (June 26, 1641) "is ſorry to miſs the gentleman out of his "place who is ſo well verſed in records;" and in like manner Sir Robert Pye characteriſes him (July 1, 1641) as "that learned "gentleman who was ſo well ſkilled in records—*and then he "looked at me.*" Sir John Evelyn is (4 March, 1641-2) "my very worthy friend on the other ſide." Sir Arthur Haſelrig is (26 February 1641-2) "that worthy gentleman in "the gallery." Sir Ralph Hopton is "that ancient parliament man." Mr. Cage, member for Ipſwich, is "my old "neighbour behind me," or, "an old gentleman who uſed "to ſit here behind me." Sir Thomas Barrington, member for Colcheſter, is, "as ancient a parliament man as Mr. Cage, "though not of as many years." "No man did more honour "and love that worthy member that ſpake laſt than myſelf," are words in which an alluſion to Pym is conveyed. And Mr. Denzil Hollis is "the worthy gentleman whom I very "much reſpect."

Places of members in Houſe.

Marten and Pym.

to go up two ſteps higher, that he might more eaſily be heard by the whole Houſe. In this poſition, Mr. Harry Marten, the member for Berkſhire, was "the gentleman below." Mr. Pym, the acknowledged chief of the majority of the Commons, is ever in his "uſual place "near the Bar," juſt beyond the gallery on the ſame right-hand ſide of the houſe at entering. Sir John Culpeper, member for Kent, and ſo ſoon to be Chancellor of the Exchequer, is "the "gentleman on the other ſide of the way."* He ſat upon the left-hand ſide; and near him, moſt generally together, ſat Hyde and Falkland; Mr. Geoffrey Palmer, the member for Stamford, and Sir John Strangways, ſitting near. On the ſame ſide at the upper end, on the Speaker's right, ſat the elder Vane, member for Wilton, for a few days longer Secretary of State and Treaſurer of the Houſehold; near whom were other holders of office. Sir Thomas Jermyn, his Majeſty's Comptroller, who ſat for Bury St. Edmund's; Sir Edward Herbert, the Attorney-General, who ſat for Old Sarum; Oliver St. John, the Solicitor-General, member for Totneſs, ſtill holding the office in the King's ſervice which had failed to draw him over to the King's ſide; Mr. Coventry, member for Eveſham and one of the King's houſehold; † and young Harry Vane, member for Hull, and as yet Joint-treaſurer of the Navy; all ſat in this quarter, on the Speaker's

Culpeper, Hyde, Falkland, and Palmer.

Vane and King's miniſters.

* "I deſired that the gentleman on the other ſide of the "way—*and then I looked on Sir John Culpeper, &c.*"

† "For if the gentleman on the other ſide who laſt preſſed "it—*and then I looked towards Mr. Coventrie, &c.*"

right. Near them ſat alſo Mr. Edward Nicholas, Clerk of the Council, ſoon to be *Sir* Edward and Secretary of State in place of Windebank, now an anxious auditor and ſpectator of this memorable debate, which he was there to report to the King. Between theſe members and Hyde, on the ſame ſide of the houſe, ſat the member for Wilton, Sir Benjamin Rudyard; Sir Walter Earle; William Strode; and lawyer Glyn, the member for Weſtminſter. Mr. Herbert Price, the member for Brecon, with Mr. Wilmot, member for Tamworth, and a knot of young courtiers, ſat at the lower end of the houſe on the ſame ſide, immediately on the left at entering. John Hampden ſat on the other ſide, behind Pym; and between him and Harry Marten, ſat Edmund Waller; on one of the back benches, Cromwell; not far from him, Denzil Hollis; and under the gallery, the member for Oxford Univerſity, the learned Mr. Selden.* Near him ſat lawyer Maynard, the other member for Totneſs; and over them, in the gallery itſelf, that ſucceſsful lawyer, Mr. Holborne; Sir Edward Dering; and the member for Leiceſterſhire, Sir Arthur Haſelrig. But our liſt muſt come to a cloſe. The reader has been detained too long from the debate on the Great Remonſtrance.

Independent members.

Hampden, Waller, Cromwell, Hollis, and Selden.

The lawyers.

* "I ſaid that I did prize whatſoever ſhould fall from the "pen or tongue of that learned gentleman under the gallery "—*and then I looked towards Mr. Selden, &c.*"

XIV. Speeches of Hyde, Falkland, Dering, Rudyard, and Bagshaw.

Eighth Debate: 22d Nov.

Hyde ſpeaks.

Doubts Houſe's right to remonſtrate.

Objections to form and language:

Hyde's wordineſs.

Hyde opened this remarkable debate in a ſpeech of great warmth* and great length. The general ground of objection he took was that a Declaration ſo put forth was without precedent; and he queſtioned the power of the Houſe, in ſo far as this was defined by the words uſed in the writs of election, to make, alone, a remonſtrance to the people, without the concurrence of the Lords. Arguing from this, he aſſerted that the form of the Declaration touched the honour of the King, and that it ought not, for that reaſon, to be made public or be circulated among the people. Such a publication could only be juſtified by having peace for its end, and here every ſuch object would be fruſtrated. In the Remonſtrance itſelf, apart from theſe conſiderations, he did not deny that there might be a propriety. The members of the Houſe were accuſed to have done nothing either for King or kingdom. It was right to repel that charge. But if a parliament muſt make an apology, let them ſhow what they had done without looking too far back. They may deſire themſelves to ſee, but they ſhould not divulge, their own infirmities, any more than a general the defects

* Mr. Philip Warwick, young courtier as he was, and admirer of all things courtly, could yet detect the points in which the King's principal advocate in the Houſe was weak, as well for himſelf as his cauſe. "Mr. Hyde's language and ſtyle," he remarks, "were very ſuitable to buſineſs, if not a little too redundant." *Memoires*, p. 196.

of his army to the enemy. All was true, if expreſſed modeſtly. But ſuch paſſages as Sir John Eliot's impriſonment under the King's own hand, and his wanting bread,* were ill-expreſſed. Let them be chary of Majeſty. They ſtood upon their liberties even, for the Sovereign's ſake: leſt he ſhould be King of mean ſubjects, or they ſubjects of a mean King. unjuſt to the King.

Lord Falkland roſe immediately after Hyde, and, as his wont was, ſpoke with greater paſſion in his warmth and earneſtneſs; his thin high-pitched voice breaking into a ſcream, and his little, ſpare, ſlight frame trembling with eagerneſs. He ridiculed the pretenſion ſet up in the Declaration to claim any right of approval over the councillors whom the King ſhould name; as if prieſt and clerk ſhould divide nomination and approval between them. He Lord Falkland ſpeaks. King's right to name his own miniſters

* In Sir Ralph Verney's Note of the debate (p. 121), this paſſage ſtands "Sir John Eliot's impriſonment, under the "King's own hand, and *the King's* wanting bread, ill ex-"preſſed." It is clear, however, that the words marked in italics are a repetition by miſtake from the previous line. Clarendon in his Hiſtory (ii. 51) affects to quote, in the exact words of the Remonſtrance as it paſſed ("after many unbe-"coming expreſſions were caſt out"), the paſſage reſpecting Eliot; and he quotes it in inverted commas, thus: "One of "which died in priſon, *for want of ordinary refreſhment*, "whoſe blood ſtill cried for vengeance." The "want of "ordinary refreſhment" in the hiſtory, is clearly the ſame as "wanting bread" in the ſpeech; yet certainly the Remonſtrance as printed ſays no ſuch thing, and the words, if ever there, muſt have been among the unbecoming expreſſions caſt out. The paſſage really runs thus: "Of whom one died by "the cruelty and harſhneſs of his impriſonment, which would "admit of no relaxation, notwithſtanding the imminent "danger of his life did ſufficiently appear by the declaration "of his phyſician. And his releaſe, *or at leaſt his refreſh-"ment*, was ſought by many humble petitions. And his "blood ſtill cries, &c." Alluſion to Eliot in Remonſtrance: incorrectly quoted by Hyde.

denounced it as unjuſt that the concealing of delinquents ſhould be caſt upon the King. He ſaid (forgetting a former ſpeech of his own going directly to this point)* it was not true to allege that Laud's party in the Church were in league with Rome; for that Arminians agreed no more with Papiſts than with Proteſtants. And, with the power to make laws, why ſhould they reſort to declarations? Only where no law was available, were they called to ſubſtitute orders and ordinances to command or forbid. Reminding them of the exiſting ſtate of Ireland, and of the many diſturbances in England, he warned them that it was of a very dangerous conſequence at that time to ſet out any remonſtrance: at leaſt ſuch a remonſtrance as this, containing many harſh expreſſions. Above all, it was dangerous to declare what they intended to do hereafter, as that they would petition his Majeſty to take advice of his parliament in the choice of his privy council; and it was of the very worſt example to make ſuch alluſion as that wherein they declared that already they had committed a bill to take away biſhops' votes. He pointed out the injuſtice of imputing to the biſhops generally the deſcription of the Scotch war as *bellum epiſcopale*, which he aſſerted had been ſo uſed by only one of them. He very hotly condemned the expreſſion of "bringing in idolatry," which he characteriſed as a charge of a high crime againſt all the biſhops in the land. And he

Defends Laud.

Dangers of Remonſtrance.

Apology for biſhops:

* See *ante*, p. 217

denounced it as a manifeſt contradiction and abſurdity, that after reciting, as they had indeed ſufficient cauſe to do, the many good laws paſſed by a parliament of which biſhops and Popiſh lords were component members, they ſhould end by declaring that while biſhops and Popiſh lords continued to ſit in parliament no good laws could be made. and Popiſh Lords.

Falkland was followed by Sir Edward Dering, who was ſo well pleaſed himſelf with the ſpeech he proceeded to deliver, that he afterwards committed it, with another ſpoken in the preliminary debates, to print, with a preface which coſt him his ſeat in the Houſe; * and Sir Edward Dering ſpeaks:

* Under date the 2nd February, 1641-2, D'Ewes gives curious and amuſing evidence in his Journal of the anger awakened in wiſe grave men by this very ſilly publication of Sir Edward Dering's. Oliver Cromwell takes the lead in vehemently denouncing the book. D'Ewes himſelf chimes in as violently, for that "in this ſcandalous, ſeditious, and "vain-glorious volume," he does "ſo overvalue himſelf as if "able of himſelf to weigh down the balance of this Houſe "on either ſide, &c. &c." Then Sir Walter Earle moves to call in the book. But to this D'Ewes very ſenſibly objects, "for that by ſo doing the price of it would riſe from fourteen "pence to fourteen ſhillings, and haſten a new impreſſion." Finally, Cromwell moves and carries that the obnoxious volume ſhall be burnt "next Friday:" on which occaſion doubtleſs Palace-yard was duly illuminated by the ſmall bonfire. See this matter further treated in *Arreſt of Five Members*, § xxiii. But perhaps there was really more reaſon than lies immediately on the ſurface for the reſentment with which the Houſe regarded the publication by its members of their ſpeeches, unauthoriſed by itſelf. It gave ſome ſort of ſanction to another publication of a ſtill more unauthoriſed deſcription, which had lately become not uncommon, and by which many members ſuffered not a little. I quote one of the entries of D'Ewes in his Journal under date the 9th February, 1641-2. "After prayers I ſaid that much wrong was "offered of late to ſeveral members by publiſhing ſpeeches in "their names which they never ſpake. I had yeſternight a "ſpeech brought me by a ſtationer to whom one John Bennet, "a poet lodging in Shoe-lane, ſold it for half-a-crown to be Dering's publication of his ſpeeches. Ordered to be burnt. Origin of penny-a-lining.

until very recently, this publication by the member for Kent was ſuppoſed to be the only fragment which had ſurvived of the debates on the Grand Remonſtrance.* Nor

Reported ſpeeches never ſpoken:

Royaliſt petitions forged:

work of poor ſcholars in ale-houſes.

"printed. He gives it as my ſpeech at a conference when "there was no conference." This is probably one of the firſt glimpſes to be got in our hiſtory of the now ancient and important penny-a-lining fraternity. The danger and the annoyance, however, were greater from the interpolated and falſified verſions, now alſo abundantly put forth, of ſpeeches really ſpoken in the houſe, than from the pure inventions of which D'Ewes complained. I may add that the inventions were not limited to ſpeeches only. Petitions affecting to repreſent the feeling of large claſſes of people were got up in the ſame way! On the 25th of January, 1641-2, the matter of a Royaliſt petition from Hertfordſhire was before the houſe, and the ſubjoined curious entry is made in D'Ewes's Notes: "Thomas Hulbert, one of the framers of the Hert-"fordſhire petition, ſent for as a delinquent; alſo Martin "Eldred, one of the penners of the ſame. The ſaid Martin "Eldred, being called into the houſe, did acknowledge that "Thomas Hulbert, a young ſcholar of Cambridge, did draw "the ſaid falſe petition of Hertfordſhire in his preſence; and "that they ſold it to the ſaid John Greenſmith, a ſtationer, "for half-a-crown, which the ſaid Greenſmith, being called "in, did likewiſe confeſs; and that he printed it. I ſaid "there were now abiding in, and about London, certain looſe "beggarly ſcholars who did in ale-houſes invent ſpeeches, "and make ſpeeches of members in parliament, and of other "paſſages ſuppoſed to be handled in, or preſented unto, this "houſe. That the licenſe of printing theſe ſcandalous "pamphlets is grown to a very great heighth, &c." Wherefore the indignant Sir Simonds would have Mr. Thomas Hulbert, and Mr. Martin Eldred, and Mr. John Greenſmith forthwith conveyed to the Gate-houſe.

'Verney' *Notes.*

* The gloom was broken by ſuch additional brief notices as were ſupplied by the appearance, a few years ago, of Sir Ralph Verney's valuable *Notes of Proceedings in the Long Parliament*, moſt intelligently edited by Mr. Bruce; but the exiſtence of the manuſcript materials which have ſupplied me with the main portions of the account now laid before the reader in this Work, was not ſuſpected, even ſo late as Mr. Bruce's publication. The report ſupplied in my text of the particular debate now in progreſs, is the reſult of a careful compariſon of the notes of Verney and D'Ewes, each having been uſed to correct and complete the other. Fragments of

was it by any means a bad ſpeech, though for the intereſts of his party it was hardly a diſcreet one. They would fain indeed have prevented his riſing ſo early in the debate, but as yet Pym reſolutely kept his place, and the field was open to all comers. not diſcreetly.

Dering began by enlarging on the importance of the matter in diſcuſſion as far tranſcending any mere bill or act of parliament. Of what was ſo put forth, he warned them, the three kingdoms were but the immediate or firſt ſupervisors; for all Chriſtendom would be attracted by the glaſs therein ſet up, and would borrow it to view their deformities. Then let them not diſmiſs in haſte what others would ſcan at leiſure. It was to be conſidered, firſt, whether their conſtituents were looking for ſuch a Declaration. If not, to what end did the Houſe ſo decline? Wherefore ſuch deſcenſion from a parliament to a people? The people looked not up for any ſo extraordinary courteſy. The better ſort thought beſt of that Houſe; and why ſhould its members be told that the people were expectant for a Declaration. "My conſtituents," continued Sir Edward, "don't want "it. They do humbly and heartily thank "you for many good laws and ſtatutes, and "pray for more. That is the language beſt "underſtood of them and moſt welcome to "them. They do not expect to hear any "other ſtories of what you have done, much Urges importance of Remonſtrance. But why carry it to the people? People want only good laws.

Verney's notes, I have already remarked, were known to Mr. Serjeant D'Oyley and Mr. Hallam ſome years before their publication by Mr. Bruce.

"leſs promiſes of what you will do. Mr. "Speaker," he added, "when I firſt heard of "a Remonſtrance, I preſently imagined that, "like faithful counſellors, we ſhould hold up "a glaſs *unto his Majeſty*. I thought to "repreſent, unto the King, the wicked coun- "ſels of pernicious counſellors; the reſtleſs "turbulency of practical papiſts; the treachery "of falſe judges; the bold innovations, and "ſome ſuperſtition, brought in by ſome prag- "matical biſhops and the rotten part of the "clergy. I did not dream that we ſhould "remonſtrate downward, tell ſtories to the "people, and talk of the King as of a third "perſon." The orator was here upon delicate ground, and had perhaps ſome warning as he ſpoke that his footing was unſafe. He did not diſpute, he already had remarked, the excellent uſe and worth of many pieces of the Declaration; but what was that to him, if he might not have them without other parts that were both doubtful and dangerous? He felt ſtrongly, with the noble learned Lord who ſpoke laſt (Falkland), that to attribute an introduction of idolatry to the command of the biſhops was to charge thoſe dignitaries with a high crime. He did not deny that there had been ſome ſuperſtition in doctrines and in practices by ſome biſhops, but flat idolatry introduced by expreſs command was quite another thing. He objected that to refer to the deciſion of Parliament the order and diſcipline that were to regulate the Church, would be to encourage ſectarianiſm; and he further objected that theſe, and other ſimilar paſſages, appeared to have been

Remonſtrate to King:

but not downward to People.

Agrees with Falkland.

Church regulation no subject for Parliament.

introduced by the Committee without being firſt diſcuſſed and recommended to them from the Houſe. Then, taking up the cloſing averments in the Declaration as to the deſire of its promoters for the advancement of learning by a more general and equal diſtribution of its rewards, he avowed his opinion that this object would be defeated if the great prizes in the Church were aboliſhed. "Great rewards," he ſaid, "do beget great endeavours; and certainly, "Sir, when the great Baſin and Ewer are taken "out of the lottery, you ſhall have few adven- "turers for ſmall plate and ſpoons only.* If "any man could cut the moon out all into "little ſtars,—although we might ſtill have "the ſame moon, or as much in ſmall pieces, "yet we ſhould want both light and influence."

Advocates prizes in church.

Would not ſplit moons into ſtars.

Much beyond this flight even the member for Kent could not be expected to ſoar; and forcible and lively as many parts of his ſpeech had been, its general tone and tendency had alſo been ſuch, that the impatience and fears of party friends muſt greatly have been relieved by his preparation to reſume his ſeat, after ſome further enlargements of his argument for the patronage and diffuſion of learning. He ended by ſtating, that becauſe he neither looked for cure of complaints from the common people, nor did deſire to be

Final reaſons for adverſe vote.

* There is no new thing under the ſun; and it hardly needs to remind the reader that Sydney Smith's famous argument in defence of the "prizes in the Church," in thoſe three letters to Archdeacon Singleton which rank among the wittieſt proſe compoſitions in the language, had been exactly and almoſt literally reproduced from this ſpeech of Sir Edward Dering's.

Sydney Smith anticipated.

cured by them; becauſe the Houſe had not recommended all the heads of the Remonſtrance to the Committee which brought it in; and becauſe they paſſed his Majeſty, and remonſtrated to the people; he ſhould give his vote with Mr. Hyde.

Rudyard ſpeaks.

When Dering reſumed his ſeat, Sir Benjamin Rudyard roſe. It could hardly fail but that much intereſt ſhould be felt as to the part he would take on this occaſion. He was not a leader in the Houſe; but his ſpeeches had the influence derived from ſingularly eloquent expreſſion, from his age and character, from that long experience of parliaments in which he rivalled even Pym himſelf, and from his gravity, courteſy, and moderation of tone. In theſe qualities the Hiſtorian of the parliament reports him as pre-eminent. "Cujus "erant mores," he ſays, "qualis facundia;" inſtancing his oration at the opening of the ſeſſion as "a perfect exemplar" at once of the unſparing expoſure of grievances, and of "the "way of ſparing the King."* His known deſire in this latter reſpect gave peculiar ſignificance to what ſhould now fall from him.

His character by May.

Favourable to a Declaration.

He began by ſtating that in his opinion it was abſolutely requiſite that the Houſe ſhould publiſh a Declaration, becauſe this parliament had been ſlandered by ſo many. Of the ſlanderers he then ſpoke, as conſiſting of the papiſts, to whom all parliaments were hateful, but this worſt of all; of the delinquents, whom the parliament had puniſhed; and of

* May's *Hiſtory*: lib. i. chap. vii. Rudyard was now verging on his 70th year, having been born in 1572.

the reckleſs claſs of libertines, who ſought ever to throw off the reſtraints of parliament and law. Next he commented on the malignancy of the libels they had propagated ſo buſily. Nevertheleſs, he continued, "whatſoever they "traduce, by God's aſſiſtance we have done "great things this parliament—things of the "firſt magnitude. We have vindicated the "liberty of our perſons, the freedom of our "eſtates. We have gotten, by the King's "grace and favour, a triennial, a perpetual "parliament, wherein all other remedies and "liberties are included. We have done ſome-"thing, too, for religion; though I reckon "that laſt, becauſe, I am ſorry to ſpeak it, "we have done leaſt in that." Then, as if to guard himſelf from a too deciſive tone againſt Hyde and his party, with whom he was never on unfriendly terms, he deſired Mr. Speaker not to imagine that he approved ordinarily of parliament putting forth what might be called an apology. Truly he thought it went hard with a parliament when it was put to make an apology for itſelf, becauſe apologies were commonly accounted ſuſpicious; but the malignity and machinations of the times had here enforced it, in this inſtance had made it neceſſary. To the particular Declaration before the Houſe, however, he had yet one objection to make. His vote went freely with the narrative part of it; but he muſt object to what he would call the prophetical part. He meant thoſe clauſes which ſet forth acts that were waiting to be paſſed, and meaſures intended hereafter. In that, it appeared to him, there was danger;

Great acts of the Parliament.

Neceſſity to defend it againſt libels.

States one objection to Remonſtrance.

Would only mention Acts paſſed: and he doubted if there was precedent for it. It was to foreſee the whole work of this parliament to come, and to bind it up by anticipation and engagement of votes beforehand. And he would humbly wiſh the Houſe to conſider, whether, if they failed in performing ſome few of the things they ſo promiſed and the world would expect, they might not loſe more by non-performance of thoſe few than they would be likely to get by all the reſt of the Declaration. He reſumed his ſeat with the remark that in any of theſe his doubts he ſhould be glad to be reſolved by better judgments.

not Bills in progreſs or intended.

Subſequent attacks on Rudyard. This ſpeech, moderate and temporiſing as it was, was made matter of ſuch grave reproach afterwards; and one of chronicler Heath's baſe inventions, which repreſented its ſpeaker dying of remorſe as ſoon as the firſt blood of the war was drawn, and complaining on his death-bed that Mr. Pym and Mr. Hampden always told him they thought the King ſo ill-beloved by his ſubjects that he would never be able to raiſe an army to oppoſe them, has obtained ſuch wide belief; that I pauſe for a moment, before cloſing the ſection, to diſpoſe finally of that ſlander.

A poet and friend of poets. Rudyard had in his time played no undiſtinguiſhed part among the patriots, and he had talents and graces of mind, that, as they juſtly entitled him to ſuch praiſe at Jonſon's,*

* "RUDYARD, as leſſer dames to great ones uſe,
My lighter, comes to kiſs thy learned, muſe;
Whoſe better ſtudies while ſhe emulates,
She learns to know long difference of their ſtates.
Yet is the office not to be deſpis'd,
If only love ſhould make the action prized;

Poem by Ben Jonſon.

would have given any cauſe new luſtre. He was a maſterly orator, and no contemptible poet; and though, as I have ſaid, he was never a leader among theſe remarkable men, they might well boaſt of the acceſſion they received when ſo courtly and accompliſhed a gentleman left his faſhionable haunts upon town and took his place among them. But his part was played out when the war of words became ſo ſharp as to foreſhadow the fiercer conflict. He was in truth too good a ſpeaker for the ſervice which alone in other reſpects he could render when the ſtruggle took its graveſt aſpect. Shakeſpeare knew a kind of men incapable even of their diſtreſs, and Sir Benjamin was not altogether capable of his excellent oratory. His temperament was too delicate, anxious, and irreſolute, for all the tendencies and conſequences of his own brave ſpeech.

Joins the Parliament.

Unfit for all its duties.

Nor he for friendſhip can be thought unfit,
That ſtrives his manners ſhould precede his wit."

And again:

" If I would wiſh for truth, and not for ſhow,
The aged Saturn's age and rites to know;
If I would ſtrive to bring back times and try
The world's pure gold, and wiſe ſimplicity;
If I would virtue ſet as ſhe was young,
And hear her ſpeak with one, and her firſt tongue;
If holieſt friendſhip, naked to the touch,
I would reſtore, and keep it ever ſuch;
I need no other arts, but ſtudy thee:
Who prov'ſt all theſe were, and again may be."

Epigrams addreſſed to Rudyard.

And ſtill again—this grand and brave old Jonſon could never ſay too much for the men he loved and honoured:

" Writing thyſelf, or judging others writ,
I know not which thou'ſt moſt, candor, or wit;
But both thou haſt ſo, as who affects the ſtate
Of the beſt writer and judge, ſhould emulate,"

Ben Jonſon's *Epigrams.*

Sayings and doings.

"He ſhould be very glad," he ſaid on one occaſion, "to ſee that good old decrepit law "Magna Charta, which hath been kept ſo long "bedrid as it were, walk abroad again with "new vigour and luſtre;" but nobody, not Charles himſelf, was ſo much alarmed as Sir Benjamin, when that good old law did in reality get upon its legs again. Yet in this he was no traitor; no renegade. It was the effect of timidity and of time. When theſe debates began, he had paſſed his ſeventieth year; and thus in all probability he found himſelf ſinking bedwards, at the very time when the gigantic ſtatute before named was riſing out of its long ſleep. Though he continued ſtill to act with the parliament, therefore, it is no very grave reproach to him that during the progreſs of the war he ſhould have cried out inceſſantly (as indeed it became old age when ſenſible of the grave's approach) for peace, for peace; and he is even ſuppoſed to have gone ſo far as to entitle himſelf to the (in that day) equivocal praiſe, recorded on the title-page of one of his publiſhed ſpeeches, of having "nobly defended the Biſhops." But, convert to the deſire for compromiſe as he ſo became, he at leaſt did not deſert, or malign, the men with whom he had acted in riper years. The good old knight, to ſay nothing of his honeſty, was too much of a gentleman for that. Nor is there the remoteſt reaſon to infer, much as he diſliked the conflict, that he was killed by it. He remained in his place in the Houſe of Commons as long as he could; ſtill, however feebly, acting with Pym and with his ſucceſſors

Conduct in old age.

No apoſtate.

(as for example in his ſpeech againſt the Court of Wards as late as '45); ſtill inceſſantly deſiring a compromiſe; and, though he never regained any eminence in public affairs, not paſſing from the ſcene till he was eighty-ſeven. It ſeems quite clear, therefore, that the writers or politicians who want a precedent for the deſertion and abuſe of a great cauſe, or a ſet of great principles, muſt not go to the life of the very eſtimable Sir Benjamin Rudyard. They muſt be ſatisfied with the ſtudy of the life of Hyde, which will ſhow them, perhaps better than any other piece in hiſtory, how it is poſſible to act in intimate union with the principles and policy of a particular party at the commencement of a life, and to employ its cloſe in ſteadily blackening the characters and opinions of the men with whom one had ſo acted cordially in earlier days.

Acting in Houſe till his death: æt. 87.

When Rudyard reſumed his ſeat, he was ſucceeded by Mr. Bagſhaw, the member for Southwark, whoſe effective ſpeech on grievances at the opening of the ſeſſion had for a time given him a place in the Houſe which he failed to make good. He had now joined Hyde's party, but did them ſmall ſervice in this diſcuſſion. All that has ſurvived of his ſpeech are two objections to a paſſage in the Declaration as to the abuſes of the law courts; and againſt the tendency of one expreſſion, "the reſt of the clergy," to comprehend and blame the whole of that profeſſion. But he was followed by a more powerful ſpeaker.

Mr. Bagſhaw ſpeaks: againſt the Remonſtrance.

§ XV. SPEECHES OF CULPEPER, PYM, BRIDGMAN, WALLER, AND HAMPDEN.

Sir John Culpeper ſpeaks.

SIR John Culpeper, Dering's colleague in the repreſentation of Kent, and, after Falkland, Hyde's ſtrength and reliance in the debate, ſpoke next after Bagſhaw; and we may well ſuppoſe the ſpeech, from the fragment of it that remains, to have been highly characteriſtic of the man.* With a ready elocution, he had a rough and haſty temper; and though, when he pleaſed, few were ſo qualified by memory and quickneſs to ſeize and reproduce all the points in a diſcuſſion, he ſeldom ſaw, or cared to ſee, more than that ſingle point to which he choſe to addreſs himſelf. At all times in ſpeaking, Hyde admits, he was warm and poſitive, uncourtly and ungraceful in his mien and motion, and ſomewhat indifferent to religion. His firſt objection now

Manner of ſpeaking.

Character of Culpeper.

* "He ſeldom made an entire judgment of the matter in "queſtion, for his apprehenſion was commonly better than "his reſolution; and he had an eagerneſs or ferocity that "made him leſs ſociable than his other colleagues; (for his "education and converſe in the world had been in part "military) and his temper haſty."—Sir Philip Warwick's *Memoires*, p. 196. "He might very well be thought a man "of no very good breeding; having never ſacrificed to the "Muſes, or converſed in any polite company."—Clarendon's *Life*, i. 106-8. In his *Hiſtory* (ii. 94), he ſays that he could upon occaſion, when he ſpoke at the end of a debate, as his cuſtom often was, recollect all that had been ſaid of weight on all ſides with great exactneſs, and expreſs his own ſenſe with much clearneſs and ſuch an application to the Houſe, that no man more gathered a general concurrence to his opinion than he. This deſcription, however, from other accounts, would ſeem to be much more applicable to the ſpeaking of Pym.

Remark by Hyde: more applicable to Pym.

to the Remonſtrance was that it ſpoke of alter- Objects to Remon-
ing the government of the Church, and would ſtrance:
therefore offend the people; an argument
which certainly no other ſpeaker would have
had the boldneſs to put in that form. He
then declared his oppoſition to reſt upon two
grounds. The firſt was, that the Declaration
was unneceſſary. The parliament had not not neceſ-
been "ſcandaled" by any public act, and ſary:
therefore needed not to ſend out any declara-
tion to clear themſelves. The ſecond was,
that if this were not ſo, it was yet both uncon-
ſtitutional and dangerous in its preſent form.
Going but from that Houſe, he ſaid, it went
but on one leg. All remonſtrances ſhould be and dan-
addreſſed to the King, and not to the people, gerous in form.
becauſe it belonged to the King only to redreſs
grievances. Their writs of election did not
warrant them to ſend any declaration to the People
people, but only to treat with the King and not to be addreſſed
the lords: nor had it ever been done by any alone.
parliament heretofore. It would be moſt
dangerous for the public peace.

The member for Taviſtock roſe after him,
and delivered a ſpeech which in the manuſcript
record of the debate before me is characteriſed Pym
as an anſwer to what had been ſaid by the ſpeaks.
various members who preceded him; and of
which the fragment remaining, ſcanty as it is,
ſhows that this was indeed its character. Even
here its maſſive and equal proportions are
manifeſt; and we may trace again the calm
power and ſelf-poſſeſſion with which the veteran
leader of the Parliament appears to have paſſed
in review the previous ſpeakers, as his cuſtom Anſwers

preceding ſpeakers. was in the great debates, and to have anſwered each. The boldneſs and plain ſpeaking of his reference to the King was even for him remarkable.

To Hyde's appeal that the Houſe ſhould be chary above all things of the King's honour, Pym replied that the honour of the King lay in the ſafety of the people, and that the members of that Houſe had no choice now but to tell the truth. They had narrowly eſcaped great dangers, and the time was paſſed for concealment. The Plots had been very near the King. All had been driven home to the Court and the Popiſh party. To what the noble lord (Falkland) had objected againſt the alleged neceſſity of diſallowing the votes of the Popiſh lords and their abettors the biſhops, he anſwered that good laws paſſed in ſpite of thoſe votes formed no anſwer to the aſſertion that the continued preſence of ſuch voters would prevent the future enactment of ſimilar neceſſary laws. That debate itſelf might help to ſhow how their dangers were increaſing upon them; and "will any one deny," aſked Pym, "that the "Popiſh lords and the biſhops *do* now obſtruct "us?" Nor could he ſee any breach of privilege in naming them; for had they not heretofore often complained of particular lords being away, and of miſcarriages that lords had occaſioned? Where alſo, he deſired to know, ſhould be the danger apprehended by "the "noble learned lord" in the recommendation to his Majeſty not to chooſe ſuch counſellors as that Houſe might be unable to approve? "We have ſuffered ſo much by counſellors of

Replies to Hyde:

replies to Falkland.

Claim of Parliament to adviſe King.

" the King's chooſing," ſaid Pym, " that we " deſire him to adviſe with us about it." He maintained that this courſe was conſtitutional, and where was the objection to it? Many of the King's ſervants were known to have moved him about ſuch counſellors, and why may not the parliament? He enlarged upon this; and illuſtrated the miſchief of diſregarding ſuch advice by that quarrel with the firſt parliament upon the unwiſe treaty of peace with Spain, which had been fraught with ſo many evils. The ſame worthy lord, and the knight who ſpoke after him in the debate, had objected to the expreſſion *idolatry*. But for himſelf, he declared his opinion that altar-worſhip WAS idolatry; and ſuch worſhip had undoubtedly been enjoined by the biſhops in all their cathedrals. Coupling afterwards Sir John Culpeper's aſſertion as to the danger of diſturbing the exiſting Church government, with Sir Edward Dering's urgent appeal againſt the danger of permitting ſectarianiſm to intrude into the liturgy or ſervice, Pym avowed his readineſs to join in a law againſt ſectaries, and remarked that they would moſt ſurely prevent the evil by going to the root of what cauſed it. Let them take care, then, that no more of ſuch pious and godly miniſters as were now ſeparatiſts beyond the ſea, ſhould be driven out of England for not reading the Book of Sports. Adverting next to what had fallen from opponents of the Declaration in admiſſion of the ſlanders thrown out againſt parliament, Pym challenged them to ſhow that anything *but* a Declaration could take away the accuſa-

Right to controul miniſters.

Replies to Culpeper.

Replies to Dering.

Slanders againſt Parliament.

tions that had ſo been laid upon the members of that Houſe. To Dering's remark againſt the ſuggeſtion of a more equal proviſion for miniſters of the Church, that it would interfere with the great prizes, he replied that he held it beſt that learning ſhould be better provided for in the general than extravagantly rewarded in the particular. Another learned knight on the oppoſite benches (Sir Benjamin Rudyard) had objected to what he termed the prophetical part of the Declaration; but he would remind the worthy member that the Declaration did not propheſy, but ſaid ſimply that which it believed to be fit, and might eaſily be done. The member who followed him (Mr. Bagſhaw) had queſtioned the propriety of aſſerting that the Court of Chancery had grown arbitrary and unjuſt in their juriſdiction, but to this he replied that not the Chancery alone but every Engliſh court had of late years uſurped unjuſt and arbitrary juriſdiction. To the worthy knight oppoſite (Sir John Culpeper) who averred that a declaration going from this Houſe alone, without having deſired the lords to join, went but upon one leg, he anſwered. that the matter of this particular Declaration was in no reſpect fit for the lords. Many of the lords were accuſed in it. It alſo dealt throughout with ſubjects which had been agitated only in that Houſe. The aſſertions made by the ſame honourable perſon, that all remonſtrances ſhould be addreſſed to the King, and that their writs of election did not warrant them to ſend any declarations to the people, were not borne out by the practice. Remonſtrances

As to Church prizes.

Remarks on Rudyard.

Replies to Bagſhaw.

Oppoſes Lords' claim to ſhare in Remonſtrance.

were not in truth directed either to the King or the people, but ſhowed the acts of the Houſe. If it were deſired to preſent the Declaration now before them to the King, it muſt be done by Petition prefixed to it; and for his own part he inclined that ſuch ſhould be the courſe. Honourable ſpeakers had complained of a direction to the people in this caſe, but where was it? Such had not been the purpoſe, nor was it neceſſary. It would ſuffice that its contents ſhould reach the people, and be read by them. And when, by means of the Declaration, it became known throughout England how matters ſtood, and how the members of the Houſe had been ſlandered, it would bind and ſecure to them the people's hearts.

An act of Commons, not of Lords or King.

Appeal to people from repreſentatives.

It was late in that November evening before Pym reſumed his ſeat, but candles had been brought long ago, and the debate ſtill went on. Orlando Bridgman, member for Wigan, ſo ſoon to be Sir Orlando and law dignitary to the King, roſe next from among the group of lawyers ſeated near Hyde, and queſtioned Pym's view of the Houſe's right to remonſtrate or declare alone. They could only conſent, counſel, and petition; and it was expreſſly ſaid, in the indemnity of the Lords and Commons, that nothing ſhould be reported out of either Houſe, without conſent of both Houſes. As for what had been ſaid of the ſeparatiſts driven beyond ſea, he thought them a condition of men to be taken away, being they were not at all moderate. To the right of approval ſought by the Houſe for ever over all counſellors ſelected by the King, he ob-

Orlando Bridgman ſpeaks.

Replies to Pym.

jected; and he thought the temporary ground alleged, of the neceſſity ſo to obtain ſecurity for a proper uſe of the money to be voted for the affairs of Ireland, a reaſon too particular to juſtify ſo general a demand.

Edmund Waller ſpeaks.

Edmund Waller ſtarted up and ſpoke after Bridgman, and with ingenious and lively turns of expreſſion, as his cuſtom was. He thought the Declaration ill-named, he ſaid. It was aimed more at the future than the paſt, and expoſtulated leſs with what had been done than with what was expected to be done. He thought it ſhould be called, not a *Re*monſtrance, but a *Pre*monſtrance. And how unnatural were all ſuch expedients for expreſſing the will of that Houſe. Laws were the children of the parliament, and it did not become them to deſtroy their offspring by means of orders and declarations. By what authority, too, did they claim the right to control the King in the choice of his counſellors? Freeholders had power to chooſe freely the members of the Houſe of Commons to make laws, and yet the King muſt not chooſe counſellors to adviſe according to law without the approbation of the Houſe. In one ſenſe it might indeed be a Remonſtrance, but it was a Remonſtrance againſt the laws.

Laws not to yield to Orders.

Why control the King?

John Hampden ſpeaks.

John Hampden now roſe. Little remains of what he ſaid, but ſufficient proof that he muſt have ſpoken, as he did ever, with calm deciſion, yet with that rare temper univerſally attributed to him in debate, and which even to a diſcuſſion ſo angry and paſſionate as this, could bring its portion of affability and cour-

teſy. What were the objections, he aſked, to this Declaration? When that Houſe diſcovered ill counſels, might it not ſay there were ill counſellors, and complain of them? When any man was accuſed, might he not ſay he had done his endeavour? "And," continued the member for Bucks, "we ſay no more in this." The party oppoſed to the members of the Houſe was prevalent, and it was therefore neceſſary for them to ſay openly that they had given their beſt advice. That was declared in the Remonſtrance, and no counter remonſtrance could come againſt them, being it was wholly true. Quiet and merely ſuggeſtive, however, as Hampden's general tone in this ſpeech ſeems to have been, yet, once at leaſt, in the courſe of it, he roſe to a higher ſtrain. We have ſeen that Dering enforced his argument againſt uſing the power and revenues of the biſhops in any attempt to ſtrengthen the Church by ſo giving influence and increaſe to the general body of the clergy, by remarking that if any man could cut the moon out all into little ſtars, although the ſame amount of moon might ſtill remain in ſmall pieces, both light and influence would be gone. Taking up this extravagant illuſtration, Hampden claimed to apply it differently. He aſked the Houſe to remember what authority they had for believing that the ſtars were more uſeful to the Church than the moon. And then he quoted from the Book of Revelations the paſſage * under which the perfect Church, the

Why object to Declaration?

Replies to Dering.

Quotes and applies Revelations.

* "And there appeared a great wonder in Heaven: A "Woman clothed with the ſun, and the moon under her

ſpouſe of Chriſt, is figured, and warned them that when the woman ſhould be clothed with the ſun, the moon would be under her feet, and her head would be circled with ſtars.

§ XVI. The Speeches up to Midnight.

Hampden reſumes ſeat: 9 o'clock, P.M.

The Houſe had now been ſitting, without interval or reſt, for a length of time unexampled in any one's experience. It was nearly nine o'clock before Hampden reſumed his ſeat, yet ſtill the cries for adjournment were reſiſted amid excitement and agitation viſibly increaſing. D'Ewes had himſelf left the Houſe ſoon after four in the afternoon. He foreſaw, as he tells us, that the debate in the iſſue would be long and vehement; and having been informed by Sir Chriſtopher Yelverton, member for Boſſiney, that thoſe who wiſhed well to the Declaration did intend to have it paſſed without the alteration of any one word, he did the rather abſent himſelf ("being alſo ſomewhat ill of a cold taken yeſterday";*) becauſe there were ſome particulars therein which he had formerly ſpoken againſt, and could not in his conſcience aſſent unto, although otherwiſe his heart and vote went with it in the main. His relation of what followed in his abſence, therefore, was derived by him from other members of the Houſe.

Why D'Ewes had left at 4 o'clock.

Attempts at compromiſe reſiſted.

The reſolution of which Yelverton informed D'Ewes, though relaxed upon a few points, appears to have been in the main ſteadily

* "feet, and upon her head a crown of twelve ſtars."—*Revelations*, xii. 1.

adhered to; and it was this reſolved determination to reſiſt all attempts at any material compromiſe, which tended more than anything elſe to prolong and exaſperate the oppoſition. Several ſuch attempts were made, but without ſucceſs. Though verbal changes were aſſented to,* and one clauſe was omitted, it may be inferred, from the two diviſions which immediately preceded thoſe taken upon the main queſtion, that ſuch few previous changes were not made under the preſſure of any adverſe vote. The firſt was upon a propoſition by the promoters of the Declaration to remove a clauſe to which they had found reaſon to object, and this they carried, in a Houſe of three hundred and ten members, by a majority of ſixty-four.† The ſecond diviſion, which was taken on the clauſe avowing the neceſſity

Two diviſions.

i. 187 to 123.

* I ſubjoin what appears as to this in the Journals of the Houſe. "Reſolved, That the Courts of Chancery, Exchequer "Chamber, &c. *are arbitrary and unjuſt in their proceedings*, "to be left out; and to be added inſtead thereof, *which* "*have been grievous in exceeding their juriſdiction.* '*Looſe* "'*perſons*' to be made '*Libertines.*' Reſolved upon the queſ- "tion, that theſe words *which authority ſhall enjoin*, be made "*which the law enjoins.* Reſolved, *For to him they are beſt* "*known*, that theſe words to be left out. Reſolved, that the "word *Firſt* be left out; and that the clauſe beginning with "the word *which*, and ending *kingdom*, be left out." This omitted clauſe, which had relation to the Court of Requeſts, was probably that to which D'Ewes referred when, after the remark quoted in the text, he added, "But thoſe who deſired "the declaration might paſs, were compelled, contrary to "their reſolution of which Sir Chriſtopher Yelverton had in- "formed me, to ſuffer many particulars to be altered, and "amongſt the reſt that which I could not have aſſented "unto." See *Ante*, p. 257.

Subject of firſt diviſion.

Remark by D'Ewes.

† Sir Thomas Barrington and Sir John Clotworthy were tellers for the ayes, Sir Frederick Cornwallis (member for Eye in Suffolk) and Mr. Stanhope (member for Tamworth, and fourth ſon of Lord Cheſterfield) for the noes.

Tellers.

ii. 1641 to 1647. and intention to reduce the exorbitant power of the biſhops, ran cloſer, for, though in the interval, two members only had left the Houſe, the liberal majority was only fourteen.*

Still it ſufficed; and no ſigns of receding were ſhown. More firmly than ever, therefore, as the night went on, the debate continued to rage; and what remains of the ſpeech of Denzil Hollis gives proof of a leſs tolerant and more defiant temper than any previous ſpeaker had exhibited. He plainly avowed with what belief and expectation he was there to ſupport the Declaration. The kingdom, he ſaid, conſiſted of three ſorts of men, the bad, the good, and the indifferent. The indifferent could turn the ſcales, and that kind of men it was their hope to ſatisfy by publiſhing this Remonſtrance. In denial of what had been averred by Culpeper, Bridgman, and other ſpeakers, he declared the Houſe to be expreſſly empowered, by their writs of election, to do this; and he quoted, in proof, the language of the writ by which they were called *ad tractandum de arduis negotiis, &c.* As to the ability reſiding in either branch of the legiſlature to make Declarations without the concurrence of the other, he ſaid that it reſted on grounds not to be aſſailed. The Lords had often made Declarations without the Commons, as about the Iriſh nobility; and the Commons without them, as about the

Denzil Hollis ſpeaks.

People to be influenced.

Power of Houſe to declare ſingly.

Second diviſion.

* The numbers were 161 to 147, Sir Walter Earle and Mr. Arthur Goodwyn (Hampden's colleague in the repreſentation of Bucks) telling for the majority, and Sir F. Cornwallis and Mr. Strangways for the minority.

Duke of Buckingham. It had been objected that there were ſubjects on which they of that Houſe were not entitled to adviſe his Majeſty, but all neceſſary truths muſt be told. If kings were miſled by their counſellors, the people's repreſentatives may, nay they muſt, tell them of it. It was a duty which reſted within ſafe limits. They only beſeeched the King to chooſe good counſellors, for againſt ſuch the Houſe would never except. Right to control King's adviſers.

Many members roſe after Hollis, but Speaker Lenthal's eye (a rule of precedence only lately adjudged to be ſettled)* reſted firſt on lawyer Glyn, the member for Weſtminſter, ſoon to be recorder for London. There had been ſome doubt as to the line he would take, but he ſpeedily removed it. It was againſt nature, he ſaid, not to have liberty to anſwer a calumny, and there was no way but by Remonſtrance to repel what had been laid upon them. They had made a Remonſtrance in the firſt year of the reign, and that without the Lords; and in the third year, if the Speaker of the Houſe had ſat ſtill in his chair, a Remonſtrance would have been voted, and no fault found with it. The right was unqueſtionable. Both the Lords temporal and the Biſhops had often ſeverally proteſted without the Commons. He approved alſo of the matter of the Declaration. It was an honour Glyn ſpeaks. Precedents for remonſtrance. Reaſons in its favour.

* "Then," ſays D'Ewes (in the courſe of his note deſcribing the debate on the Canons, 26th November, 1640, after Glyn had done ſpeaking), "long diſpute enſued who ſhould ſpeak, divers ſtood up, and at laſt ruled for Mr. White, and the Speaker's eye adjudged to be the rule." Speaker's eye rule of precedence.

to let the world ſee that in one twelvemonth they could reduce the diſtempers of twelve years. The people truſted that Houſe, and it was therefore no diſhonour to ſtrive to ſatisfy them.

From the anxious group of members who ſat near Hyde, among whom were now gathered ſeveral ſervants and officers of the King, Mr. Coventry, member for Eveſham and ſecond ſon of the deceaſed Lord Keeper, roſe after Glyn, and appealed to the Houſe at leaſt to addreſs the Declaration to the King, if they ſhould perſiſt in voting it. Though men build their monuments in their own time, he ſaid, yet a chronicle of any King's reign had never, until now, been written in his life-time, without his own conſent. After him ſtarted up Mr. Geoffrey Palmer, the well-known lawyer (he was Attorney-General at the Reſtoration), member for Stamford, and Hyde's intimate friend and counſellor, who aſſerted with much vehemence that the Houſe could *not* declare without Lords and King, nor had ever done it, and that the beſt way for the Commons to anſwer a ſcandal was to neglect it. As to his friend's law, however, "honeſt Jack Maynard" at once roſe and proteſted, when Palmer reſumed his ſeat. It was fully competent to the Houſe to declare to the people, for, he continued, if they ſhould do nothing but what was ordained and ſettled with the other branches of the State, they would aſſuredly ſit ſtill. They petitioned only for liberty to approve, they did not dictate the choice of, the counſellors of the King.

Mr. Coventry ſpeaks.

Geoffrey Palmer ſpeaks.

Maynard ſpeaks.

Meanwhile, as the debate thus continued to rage towards midnight, one counſellor of the King had ſilently and ſadly withdrawn. His Majeſty's correſpondent Nicholas, under promiſe to inform him that night of the reſult of the diſcuſſion, had waited and watched until nearly worn out with fatigue, and had then of neceſſity repaired to Whitehall to cloſe and forward his diſpatch. He firſt added to it the ſubjoined words, little ſuppoſing that they would be rendered very memorable by what occurred in the Houſe after his departure. Midnight approaching. Secretary Nicholas retires.

"The Commons have been in debate about "their Declaration touching the ill effects of "bad councils ever ſince twelve at noon, and "are at it ſtill, it being near twelve at mid-"night. I ſtayed this diſpatch in hope to "have ſent your Majeſty the reſult of that "debate, but it is ſo late, as I dare not (after "my ſickneſs) adventure to watch any longer "to ſee the iſſue of it: only I aſſure your "Majeſty there are divers in the Commons' "Houſe that are reſolved to ſtand very ſtiff "for rejecting that Declaration, *and if they* "*prevail not then to proteſt againſt it.*" Writes to the King.

So thoroughly had Hyde's party previouſly reſolved upon, and ſo unreſervedly communicated to the miniſters of the King, the ſtep which they afterwards declared was quite unpremeditated, and indeed rendered ſuddenly neceſſary by the tactics of their opponents. But Nicholas would hardly have repeated it, even to his maſter, could he have ſeen the turn that affairs were to take. Reveals Hyde's purpoſe.

§ XVII. QUESTION PUT, AND PALMER'S PROTEST.

MR. Secretary Nicholas had not long left the Houſe when, a little after twelve o'clock, the main queſtion whether the Remonſtrance ſhould paſs was at laſt allowed to be put. In his Hiſtory, Clarendon admits that it was the party led by Mr. Hyde (himſelf) which ſo long had reſiſted the inceſſant calls for a diviſion; and that they hoped to profit in numbers by ſo wearing out their opponents, is the plain and irreſiſtible inference. Nevertheleſs, he proceeds to tell his readers that when midnight arrived, many were gone home to their lodgings out of pure indiſpoſition of health, having neither eat nor drank all the day; and others had withdrawn themſelves, that they might neither conſent to it, as being againſt their reaſon and conſcience, nor diſoblige the other party by refuſing;* leaving it to be inferred, that the gain from delay was entirely to the other party, not his own. In another paſſage† he conveys a ſimilar impreſſion, informing us that candles having been called for when it grew dark "(neither ſide being very "deſirous to adjourn it till the next day, "though it was evident very many withdrew "themſelves out of pure faintneſs and diſ-"ability to attend the concluſion), the debate "continued till it was after twelve of the "clock, with much paſſion." And again he

Reſiſtance to putting queſtion.

Which ſide gained by delay.

Hyde's ſtatement:

* *Hiſt.* ii. 595. † *Ibid.* ii. 42.

ſays, in a third paſſage,* that the party led by Mr. Pym knew well enough that the Houſe had not, at that time, half its members preſent, though they had provided that not a man of *their* party was abſent; and that they had even then carried it by the hour of the night, which drove away a greater number of old and infirm oppoſers, than would have made thoſe of the negative ſuperior in number. Aſſuming for a moment that this was ſo; that the hour of the night did really carry it; and that it was, as Whitelocke affirms Sir Benjamin Rudyard compared it to, the verdict of a ſtarved jury;† ſurely it is inexplicable that from Pym and his friends, who were to profit by the exactly oppoſite courſe, ſhould have proceeded all the efforts that were made to force on the diviſion at an earlier hour. But the firſt thing to ſettle, in diſputes of this kind, is the authenticity of the point in diſpute. We commonly are at "What's the reaſon "of it," as Selden ſays, before we are ſure of the thing; and he interpoſes an excellent

Whitelocke's: reaſons to the contrary.

* *Hiſt.* ii. 44.

† "The ſitting up all night cauſed many through weak-"neſs or wearineſs to leave the Houſe, and Sir B. R. to com-"pare it to the verdict of a ſtarved jury" (*Memorials*, 51, ed. 1732). In reading the Memorials, however, valuable as they are, it is always neceſſary to keep in mind not only the fact that they were compiled at a time not very favourable to the cauſe which the author had once ſtrongly ſupported, and that great portions of them conſiſt of paragraphs taken not very diſcriminatingly from Journals and Newſpapers, but the ſuſpicion which there is good ground for entertaining that they were very greatly interpolated before publication. The publication took place in Charles the Second's reign, twenty-two years after the reſtoration, ſeven after Whitelocke's death.

Whitelocke's *Memorials*. Not reliable.

queſtion of my Lady Cotton's, "when Sir "Robert was magnifying of a ſhoe, which "was Moſes's or Noah's, and wondering at "the ſtrange ſhape and faſhion of it, *but, Mr. "Cotton*, ſays ſhe, *are you ſure it is a ſhoe?*" The real truth in this caſe appears to be, that there is no ſhoe. The evidence diſproves the aſſertion that a number of "old and infirm "oppoſers" had been driven away before the vote by the lateneſs of the hour. Very few indeed, and thoſe only occaſional ſtragglers, had quitted the Houſe before the great diviſion. Two diviſions on minor points preceded it, as we have ſeen, with ſome interval interpoſed; yet upon the firſt, three hundred and ten members divided, and upon the ſecond, three hundred and eight; and theſe, being more than three fifths of the entire Houſe, were certainly as large an aſſemblage as had been muſtered ſince the Receſs within its walls.*

Truth of the caſe.

Numbers on firſt diviſion: 310.

On ſecond diviſion: 308.

What, then, were the numbers on the third and moſt important diviſion? They had been reduced by ſimply one vote, and this in all probability the vote of Secretary Nicholas. I quote the entry from the Journals.† "The

* This point has already been adverted to *ante*, 163-4; and I will only add that in a debate reported by D'Ewes on the 13th of the month following that in which the Remonſtrance was paſſed, it appears that the exact number abſent on the latter occaſion were abſent ſtill. The expreſſion uſed is, "200 "members ſtill abſent after our receſs." And in this particular debate, "Sir John Evelyn of Surrey" undertook to ſhow that that number "had not been here ſince this ſecond meeting." On this ſame occaſion it was that Strode made the propoſition, already referred to, to fine a member 50*l.* or expel him, if he quitted town without leave. "It was," ſays D'Ewes, "much "debated, but laid aſide."

Numbers commonly preſent.

† *Commons' Journals*: ii. 322.

"queſtion being propoſed, whether this De-
"claration, thus amended, ſhall paſs; the
"queſtion was put, whether this queſtion
"ſhould be firſt put? and it went with the
"Yeas: And then the queſtion was put, On third
"whether this Declaration, thus amended, diviſion:
"ſhall paſs? The Houſe was divided. Sir 307.
"Frederick Cornwallis and Mr. Strangways,
"tellers for the Noe, 148; Sir John Clot-
"worthy and Mr. Arth. Goodwyn tellers for
"the Yea, 159. Reſolved, upon the queſ-
"tion, that this Declaration, thus amended,
"ſhall paſs."

The queſtion ſo long and deſperately debated had hardly thus been ſettled, however, when that new queſtion aroſe which was to create a new and worſe agitation, and to carry almoſt to the pitch of frenzy the excited paſſions of the Houſe. As ſoon as the vote was declared, Clarendon proceeds to ſay in his Hiſtory, "Mr. Hampden moved that there "might be an order entered for the preſent "printing it, which produced a ſharper debate "than the former. It appeared *then*" (as if this had not been avowed all through the debate), "that they did not intend to ſend it "up to the houſe of peers for their concur- "rence; but that it was upon the matter an "appeal to the people, and to infuſe jealouſies "into their minds. It had never* been the "cuſtom to publiſh any debates or deter-

New queſtion raiſed.

Clarendon's Narrative: *Hiſt.* ii. 42.

* The firſt editors of Clarendon ſeem to have been ſo ſtartled by his uſe of this word, in direct contradiction of a well-known fact, that they ſubſtituted "ſeldom" for it. The genuine text was only reſtored in 1826-7.

" minations of the Houſe, which were not
" regularly firſt tranſmitted to the houſe of
" peers; nor was it thought, in truth, that
" the Houſe had authority to give warrant
As to Hyde's proteſt: " for the printing of anything; all which
" was offered by Mr. Hyde, with ſome
" warmth, as ſoon as the motion was made for
" the printing it: and he ſaid, 'he did believe
" 'the printing it in that manner was not
" 'lawful; and he feared it would produce
" 'miſchievous effects; and therefore deſired
" 'the leave of the Houſe, that if the queſtion
" 'ſhould be put, and carried in the affir-
" 'mative, that he might have liberty to
" 'enter his proteſtation;' which he no ſooner
as to Palmer's: " ſaid than Geoffrey Palmer (a man of great
" reputation, and much eſteemed in the Houſe)
" ſtood up, and made the ſame motion for
" himſelf, 'that he might likewiſe proteſt.'
" When immediately together, many after-
" wards, without diſtinction, and in ſome
as to others: " diſorder, cried out, 'They did proteſt:'
" ſo that there was after ſcarce any quiet
" and regular debate. But the Houſe by
" degrees being quieted, they all conſented,
" about two of the clock in the morning, to
" adjourn till two of the clock the next
" afternoon."

So did the chief actor in a very memorable ſcene, writing deliberately in his exile a few years after the event, when nothing of the dignities, the reſponſibilities, or the trials in-
as to cloſe of debate: cident to his later life, had occurred to impair or preoccupy his memory, deſcribe the cloſe of a ſtormy debate in which he had taken ſo

prominent a part. We ſhall ſhortly be able to teſt its accuracy. With how much accuracy the ſame writer had before deſcribed its commencement, has already been ſeen.* Of the ſimilar ſpirit in which its progreſs had alſo been narrated, the reader who has here had all its details before him will be able to judge, when he is further informed, ſtill on Lord Clarendon's authority,† that "the debate held "many hours, in which the framers and con- "trivers of the Declaration ſaid very little, "nor anſwered any reaſons that were alleged "to the contrary: the only end of paſſing it, "which was to incline the people to ſedition, "being a reaſon not to be given: but ſtill "called for the queſtion, preſuming their "number, if not their reaſon, would ſerve to "carry it; and after two of the clock in the "morning (for ſo long the debate continued, "if that can be called a debate where thoſe "only of one opinion argued), when many had "gone home, &c. &c." It may be doubted if hiſtory contains ſuch another inſtance of flagrant and deliberate falſification of the truth, committed by one to whom the truth was perſonally known.

as to incidents in its progreſs.

A tiſſue of miſſtatements.

Nor unworthy to rank beſide it are the ſentences firſt quoted, deſcriptive of what followed as to his own and Palmer's proteſtation when the Remonſtrance had paſſed. It was not Hampden who moved the order for the printing,‡ but Mr. Pe[illegible]d, the member for

Real mover of printing.

* See *ante*, p. 214. † *Hiſt.* ii. 594-5.

‡ It is ſomewhat ſtrange that this particular miſſtatement ſhould have been made by Clarendon, whoſe habit it is to

Mr. Peard. Barnſtaple, a lawyer of the Middle Temple in good repute in his profeſſion, and who had ſat in the laſt as well as the present parliament. It was not then announced for the

Hyde and Hampden.

repreſent Hampden as invariably, on ſuch occaſions, reſerving himſelf in the background and putting others in the front. I am bound to add that Clarendon ſeems to have ſhared with others this habit, which I once thought peculiar to himſelf. For, as it is one of the objects of this Work to ſhow how entirely untruſtworthy is his authority for any ſtatement adverſe to the leaders againſt Charles I, it is the more neceſſary not to omit any inſtance in which ſuch ſtatements made by him find unexpected ſupport. Thus, in an entry of D'Ewes's Journal relating to the debate of "the Bill of Epiſcopacy," on the 10th June, 1641, after mentioning that the bill was moved by Sir Robert Harley, the member for Herefordſhire, Sir Simonds adds: "Mr. Pym, Mr. Hampden, and others, with "Mr. Stephen Marſhall, parſon of Finchingfield in the county "of Eſſex, and ſome others, had met yeſternight and appointed "that this bill ſhould be proceeded withal this morning, and "the ſaid Sir Robert Harley moved it firſt in the Houſe: for "Mr. Hampden, out of his ſerpentine ſubtlety, did ſtill put "others to move thoſe buſineſſes that he contrived." It is impoſſible not to compare this with what Clarendon ſays (*Hiſt.* iv. 93) of Hampden's moderation during the firſt year of the Long Parliament, "that wiſe and diſpaſſioned men "plainly diſcerned that that moderation proceeded from pru- "dence, and obſervation that the ſeaſon was not ripe, rather "than that he approved of the moderation; and that he be- "gat many opinions and notions, the education whereof he "committed to other men, ſo far diſguiſing his own deſigns, "that he ſeemed ſeldom to wiſh more than was concluded." The reader will at the ſame time not too haſtily conclude, that, even aſſuming the feeling reflected in theſe paſſages to have been entertained by members on both ſides of the Houſe, it is neceſſarily the true one. Hampden's was a character, more than moſt men's, open to miſconception. He was peculiarly ſelf-reliant and ſelf-contained, and in a remarkable degree he had the faculty of ſilence. Until the time arrived for ſpeaking, he had never the leaſt diſpoſition to utter what lay within the depths of his breaſt—*altâ* mente repôſtum. On no man of this great period is ſo unmiſtakeably impreſſed the qualities which ſet apart the high-bred Engliſh gentleman, calm, courteous, reticent, ſelf-poſſeſſed; yet with a perſuaſive force ſo irreſiſtible, and a will and energy ſo indomitable, lying in thoſe ſilent depths, that all who came within their reach came alſo under their control. Clarendon, though he ſtill

D'Ewes on Hampden.

Art of making uſe of others:

open to miſjudgment.

firſt time, but had ſubſtantially been confeſſed all through the debate, that the Declaration was meant as an appeal to the people. And ſo far from the deſire to "proteſt" having ariſen naturally and ſuddenly out of that announcement, we have ſeen, by the irrefragable evidence unconſciouſly afforded in Secretary Nicholas's letter to the King, that the proteſt had been concerted as a party move, and made known to the King's ſervants before the Declaration was voted. The intention was obvious. It was meant to divide, and by that means deſtroy, the authority of the Houſe of Commons. It was a plan deliberately deviſed to exhibit, before the face of the country, the Minority as in open conflict againſt the Majority, and as poſſeſſed of rights to be exerciſed independently. The

True object of "proteſters."

To divide and deſtroy authority of Houſe.

imparts his own colour to the feeling, gives it fairer expreſſion in the paſſages where he ſpeaks of his poſſeſſing "that ſeeming "humility and ſubmiſſion of judgment as if he brought no "opinion of his own with him, but a deſire of information and "inſtruction; yet had ſo ſubtle a way of interrogating, and, "under the notion of doubts, inſinuating his objections, that "he left his opinions with thoſe from whom he pretended to "learn and receive them." And again he ſays: "He was "not a man of many words, and rarely begun the diſcourſe, "or made the firſt entrance upon any buſineſs that was "aſſumed; but a very weighty ſpeaker, and after he had "heard a full debate, and obſerved how the Houſe was like "to be inclined, took up the argument, and ſhortly, and "clearly, and craftily, ſo ſtated it, that he commonly con-"ducted it to the concluſion he deſired; and if he found he "could not do that, he was never without the dexterity to "divert the debate to another time, and to prevent the deter-"mining anything in the negative which might prove incon-"venient in the future." *Hiſt.* i. 328-4. Here we have again the craft and the ſubtlety, but it is leſs "ſerpentine." I have enlarged upon this theme in my *Arreſt of the Five Members*, § xvii.

Clarendon: *Hiſt.* iv. 92.

A governor of men.

Why ſo reſolutely reſiſted.

balance would be thus redreſſed; and the King's party, outvoted in the Houſe, would yet be a recogniſed power without its walls, and would carry thenceforward a ſhare of its authority. Happily, the leaders ſaw the intention, and on the inſtant met and defeated it. The right to proteſt, they ſaid, never had been, and never could be, admitted there. The Houſe of Commons was indiviſible. It acted with one will, and one power; and it exerciſed rights with which individual claims were incompatible. Its authority derived from the people, its privilege to addreſs them, its power to tax them, reſted upon a foundation that would at once be undermined and overthrown by what Hyde and his friends had aſked for.

Exiſtence of Houſe involved.

To uſe merely the language of Clarendon in giving account of what followed thereupon, and ſimply to ſay that many members roſe to ſpeak without diſtinction and in ſome diſorder, ſo that there was after ſcarce any quiet and regular debate, were to offer a faint verſion indeed of the truth. Never had thoſe walls witneſſed ſuch a ſcene as now, from the report of eye-witneſſes leſs prejudiced and partial, waits to be deſcribed.

Unexampled ſcene.

§ XVIII. VALLEY OF THE SHADOW OF DEATH.

Remonſtrance carried by 159 to 148.

HARDLY had announcement been made of the diviſion, which carried the Remonſtrance by a majority of eleven votes, when one more ſtrenuous effort was made to have it addreſſed

to the King. This was ſucceſsfully reſiſted; Denzil Hollis expreſſing his intention to move, on another occaſion, that it ſhould be referred to a committee to give effect to the modified ſuggeſtion already thrown out by Pym. Mr. Peard then moved that the Declaration might be printed, which was oppoſed with the greateſt warmth and vehemence by Hyde and Culpeper; Hyde again giving utterance to the extraordinary opinion he had ventured to expreſs in the debate, that the Houſe of Commons had no right to print without the Lords' concurrence. Wherefore, he added, if the motion were perſiſted in, he ſhould aſk the leave of the Houſe to have liberty to enter his proteſt. Culpeper's ſpeech in the ſame ſtrain, replying to the determined objection made upon this, firſt very calmly by Pym, and then more excitedly by Denzil Hollis, carried the excitement ſtill higher; and in the midſt of it were now heard ſeveral voices, and among them very conſpicuouſly that of Palmer, crying out that they alſo proteſted. Some one then roſe, and moved that the names of the proteſters might be taken; but this, being declared againſt the forms and orders, was not at the moment preſſed. "So," according to D'Ewes's account, derived from Sir Chriſtopher Yelverton, "this "matter was underſtood to be laid aſide until "a further time of debate, when everybody "thought the buſineſs had been agreed upon, "and that the Houſe ſhould have riſen, it "being about one of the clock of the morning "enſuing, when Mr. Geoffrey Palmer, a "lawyer of the Middle Temple, ſtood up."

Poſt, 343.

Peard moves printing.

Hyde oppoſes.

Confuſed debate.

Members proteſting.

Palmer moves to take down names

of all claiming to proteſt.

He ſhould not be ſatisfied, he ſaid, for himſelf or thoſe around him, unleſs a day were at once appointed for diſcuſſion of whether the right to proteſt did not exiſt in that Houſe; and meanwhile he would move, with reference to ſuch future diſcuſſion, that the Clerk ſhould now enter the names of all thoſe whoſe claim to proteſt would then have to be determined. At theſe words the excitement broke out afreſh; loud cries of "All! All!" burſt from every ſide where any of Hyde's party ſat; and Palmer, carried beyond his firſt intention by the paſſion of the moment, cried out unexpectedly that he *did* for himſelf then and there proteſt, for himſelf and all the reſt—"of his "mind," he afterwards declared that he meant to have added, but for the ſtorm which ſuddenly aroſe.

Cries of "All! All!"

Palmer proteſts for "all."

The word *All* had fallen like a lighted match upon gunpowder. It was taken up, and paſſed from mouth to mouth, with an exaſperation bordering on frenzy; and to thoſe who in after years recalled the ſcene, under that ſudden glare of excitement after a ſitting of fifteen hours,—the worn-out weary aſſemblage, the ill-lighted dreary chamber, the hour ſounding One after midnight, confuſed loud cries on every ſide breaking forth unexpectedly, and ſtartling geſtures of violence accompanying them,—it preſented itſelf to the memory as a very Valley of the Shadow of Death. "All! "all!" ſays D'Ewes, was cried from ſide to ſide; "and ſome waved their hats over their "heads, and others took their ſwords in their "ſcabbards out of their belts, and held them by

Sudden fury of excitement.

"I thought we had all ſat in the Valley of the Shadow of Death."

" the pummels in their hands, ſetting the lower " part on the ground; ſo, as if God had not " prevented it, there was very great danger " that miſchief might have been done. All " thoſe who cried *All, all,* and did the other " particulars, were of the number of thoſe " that were againſt the Remonſtrance." And among them was the promiſing young gentleman of the King's houſe, Mr. Philip Warwick, the member for Radnor, who bethought him, as we have ſeen, of that brief ſcriptural compariſon from the wars of Saul and David,* his application of which compriſed all that, until now, was known to us of this extraordinary ſcene. He thought of what Abner ſaid to Joab, and Joab to Abner, when they met on either ſide of the pool of Gibeon; and how, having ariſen at the bidding of their leaders to make trial of proweſs, their young men caught every one his fellow by the head, and thruſt his ſword in his fellow's ſide, and ſo fell down together; a reſult which might have followed here, had not the ſagacity and great calmneſs of Mr. Hampden, by a ſhort ſpeech, prevented it.

Swords ready for miſchief.

Parallel from Saul's wars.

Calmneſs of Hampden.

It is not perhaps difficult to imagine, from what D'Ewes goes on to ſay of the ſhort but memorable ſpeech, with what exquiſite tact and ſelf-control this profound maſter of debate calmed down the paſſions of that dangerous hour. He ſaw at once that the motion for printing could not then with ſafety be perſiſted in; and, reminding the Houſe that there might be many who, having ſupported the Remon-

Shows Palmer's preſumption.

* Samuel II. Chap. ii. v. 12-16. And ſee *ante*, p. 112.

ſtrance, might yet be oppoſed to the printing of it, he aſked how any one could ſo far know the minds of ſuch as to preſume to enter a proteſt for *them?* "Some who were againſt "the printing of the Remonſtrance," ſays D'Ewes, "yet diſavowed Mr. Palmer's deſiring "to have a proteſtation entered in their names; "*and Mr. Hampden demanded of him how he* "*could know other men's minds?* To whom "Mr. Palmer anſwered, having leave of the "Houſe to ſpeak, that he having once before "heard the cry 'All, All,' he had thereupon "deſired to have the ſaid proteſtation entered "in all their names."

How ſhould he anſwer for "all."

The mere queſtion and anſwer had quelled the unnatural excitement, and brought the Houſe again, as Hampden anticipated, within government and rule. Agreement was then come to, that the queſtion as to the printing of the Declaration ſhould for the preſent be left undetermined, with the underſtanding that it was not to be printed without ſpecial leave. Hyde's party would further have reſtricted this order, by introducing the word "publiſhed" into it; but Pym, refuſing to conſent to that addition, divided the Houſe once more, and carried the original propoſal, "that this Decla- "ration ſhall not be printed without the par- "ticular order of the Houſe," by a majority of twenty-three: thus leaving the publication free, and reſtraining the printing only until further order. The numbers were 124 to 101; Sir Edward Dering and Sir Robert Crane, D'Ewes's colleague in the repreſentation of Sudbury, being tellers for the minority;

The Houſe calmed.

Printing to be left unſettled.

Fourth Diviſion: 124 to 101.

and for the majority, Sir Walter Earle and Mr. Richard Knightly, the member for Northampton. Between the laſt diviſion and the preſent, thirty-five of Pym's party and forty-ſeven of Hyde's had quitted the Houſe. And ſo, ſays D'Ewes, "the Houſe aroſe juſt "when the clock ſtruck two the enſuing "morning." Houſe riſes 2 A.M.

In the ruſh to the door after their weary ſitting of eighteen hours, Falkland and Cromwell paſſed out together; and Hyde afterwards reported, on the relation of his friend, that even the member for Cambridge, uſually ſo "tempeſtuous" in behaviour, ſhowed no exultation at the victory his party had gained. Not as of a triumph won, but as of a danger narrowly eſcaped, was Cromwell's reference to the vote which had cloſed this momentous debate. If it had gone againſt them in that vote, he ſaid, he and many other honeſt men he knew would have ſold all they had this very morning, and never have ſeen England more. And though the ſpeaker is not, perhaps, likely in expreſs terms to have ſaid this, any more than to have acted in any ſuch faſhion, the anecdote doubtleſs repreſents what ſubſtantially was not untrue. The turning point of freedom or deſpotiſm for two more centuries in England was probably paſſed that night. What Cromwell ſaid of the vote. Turning point of freedom or deſpotiſm.

§ xix. Sitting of Tuesday, the 23rd November.

Clarendon fixes as late as three o'clock the hour of meeting on the day following the Tueſday, 23rd Nov.

famous ſitting of which I have thus, for the first time, given all the impreſſive details. But in reality the Houſe aſſembled only a little later than the uſual hour. Much important buſineſs, not admitting of delay, was in hand; and the further loan of fifty thouſand pounds from the City for the Iriſh affairs, to bear intereſt at eight per cent., had this day to be completed. A little incident marked the temper of the Houſe. Early in the month the Queen's confeſſor, Father Philips, had for contumacious conduct been committed by the Lords to the Tower, and no order was to be given for his releaſe without the knowledge of the Commons. He had now made ſubmiſſion, and in deference to an urgent meſſage from the Queen, the Lords had ordered his releaſe; but on their meſſenger bringing this intimation to the Commons, a peremptory refuſal was ſent back, and Father Philips had to return to the Tower. This incident had paſſed, and it was nearly four o'clock in the afternoon, when Pym aroſe, and made alluſion to the ſcene of the night before. He lamented the diſorder on that occaſion, which, he ſaid, might probably have engaged the Houſe in blood. It proceeded principally, he continued, by the offering a proteſtation, which had never before been offered in that aſſembly; and was a tranſgreſſion that ought to be ſeverely examined, that miſchief hereafter might not reſult from the precedent. He therefore propoſed that the Houſe ſhould the next morning enter upon that examination; and in the meantime he adviſed that men might recollect themſelves,

Houſe meets at 10 o'clock.

Buſineſs in hand.

Four P.M. Pym refers to laſt night's ſcene.

Miſchievous claim put forward:

and they who uſed to take notes might peruſe their memorials; to the end that the perſons who were the chief cauſers of the diſorder might be named, and defend themſelves the beſt they could. "And with this reſolution," adds Clarendon, "the Houſe roſe; the vex- "ation of the night before being very viſible "in the looks and countenances of many." * to be diſcuſſed next day.

How far the further ſtatement made herein by Clarendon is to be believed, muſt be judged upon the facts. He ſays, as we have ſeen, that the Houſe did not meet till three in the afternoon: But the ſtatement in D'Ewes's Notes (and this is borne out by the Journals) leaves no doubt that the Houſe was in debate ſoon after ten o'clock. He aſſerts that the moſt part of the day had been paſſed by the leading men in private conſultations, having for their object how to chaſtiſe ſome of thoſe who moſt offended them the night before, and how to puniſh the attempt to introduce the dangerous and unheard-of precedent of proteſting againſt the ſenſe of the Houſe: But the private conſultations muſt in that caſe have been held during the open ſitting, for the leading men on Pym's ſide were unqueſtionably engaged, in public, upon the bill for determining parliamentary privilege, upon the Committee of Iriſh affairs, upon the bill of tonnage and poundage, upon the City loan, and upon the caſe of the Queen's confeſſor. He explains that the ſubject of private conſul- The truth, and Clarendon's verſion of it. As to party counſels. Impoſſible as ſtated.

* *Hiſt.* ii. 46. D'Ewes ſimply ſays of the riſing of the Houſe, that "they appointed to meet to-morrow at ten, and "roſe between four and five of the clock."

tation was all the more grateful to the "leading "violent men who bore the greateſt ſway," becauſe they ſhould thereby take revenge upon Mr. Hyde (himſelf), whom they perfectly hated above any man, and to whoſe activity they imputed the trouble they had ſuſtained the day before; only they encountered an unexpected difficulty from an important ſection of their ſupporters, the Northern men as they were called, led by Sir John Hotham, Sir Hugh Cholmondeley, and Sir Philip Stapleton, members for Beverley, Scarborough, and Boroughbridge, who were ſo grateful to Mr. Hyde for his ſervices in overthrowing the monſtrous oppreſſion of the Court of York, that they refuſed to join againſt him, though very eager to make others reſponſible; and he adds that this diſpute, which broke out in the private council in the morning, occupied all that day and night, and was only terminated by the compromiſe of ſelecting another perſon, Palmer, to bear the brunt of puniſhment: But if all this were ſo, it is ſtrange that neither Sir Simonds D'Ewes nor Sir Ralph Verney, in Notes ſtill preſerved exactly as they were taken at the moment, ſhould in any form confirm or make alluſion to it; and ſtill more ſtrange that the leaders ſhould have propoſed to make Hyde reſponſible for the minor offence of aſking leave to proteſt, which had led to no diſturbance, and to paſs by the real offence of Palmer, who reopened the queſtion that had been laid aſide, did actually proteſt without aſking leave,* and brought on the ſcene that

As to a purpoſe againſt himſelf!

rejected by Northern men.

As to diſputes among the leaders.

Not confirmed by D'Ewes or Verney.

* Clarendon is obliged to admit this diſtinction, even where

followed. It will be perhaps the more natural, and certainly no unfair, concluſion to form, that the writer who deliberately had miſrepreſented and miſſtated every ſingle ſucceſſive incident in theſe memorable debates, has miſrepreſented this alſo. Happily the means of refutation are at hand; and from records taken at the moment, and quite above ſuſpicion, the account given by Clarendon can be corrected, and the ſtory of the Grand Remonſtrance be faithfully carried to its cloſe. It is but another chapter of the ſame great theme that preſents itſelf in the Debate on Palmer's Proteſt.

Why not credible.

Refuted by MS. of D'Ewes.

§. xx. Debate on Palmer's Protest.

On Wedneſday, the 24th of November, the Speaker arrived at the Houſe at about ten o'clock, when, after prayers were read, certain neceſſary buſineſs of no great intereſt was done, and Pym moved the appointment of ſome committees. He then, producing a printed pamphlet, purporting to be Articles of Accuſation preferred againſt Father Philips, and containing matters of ſcandal againſt the French Ambaſſador, pointed out the grave offence of diſſeminating ſuch falſehoods, and called the printer to the bar. Hereupon Mr. Ralph Goodwin, the member for Ludlow (he who

Ninth Debate: Wedneſday, 24th Nov.

Pym denounces ſcandalous prints.

he is doing his beſt to exaggerate the cauſe of offence he had himſelf given. "He was the firſt" (he is ſpeaking of himſelf) "who made the proteſtation, that is, *aſked leave to do it*; "which produced the other *ſubſequent clamour*, that was "indeed in ſome diſorder."

Clarendon: *Hiſt.* ii. 45.

was afterwards ſecretary to Prince Rupert), took the ſame opportunity of complaining, that a pamphlet ſcandalous to the King himſelf had alſo juſt been printed, purporting to be the account of a duel between Sir Kenelm Digby and a French Lord, as to which he moved that the printer thereof might alſo be queſtioned. To whom, with a ſimilar complaint of unauthoriſed printing, ſucceeded Mr. Robert Reynolds, who ſat for Hindon in Wiltſhire, and was afterwards one of the King's judges, and who brought before the Houſe the fact, that the examination of a delinquent prieſt, taken by one of their committees, ſtill remaining in his own poſſeſſion, and not yet reported to the Houſe, had been ſuddenly iſſued in print; an offence which alſo called for puniſhment. "Upon all which motions," D'Ewes adds, "it was ordered that the former committee for printing (of which I was one) "ſhould meet to-morrow morning at ſeven "of the clock, in the Inner Court of Wards, "and ſhould examine theſe abuſes now "complained of, and all other abuſes of the "kind, and to conſider of ſome way for the "preventing thereof."

Com-plaints of Pam-phleteers.

Referred to Com-mittee for abuſes of printing.

Then ſucceeded the more intereſting buſineſs of the day, introduced as uſual by the member for Taviſtock. He called the attention * of

Pym ſpeaks againſt "proteſt."

* This opening of the proceedings, down to the appearance of Hotham in the debate, is taken from Clarendon. It is here given becauſe, although neither in the notes of D'Ewes, nor thoſe of Verney, is there any mention of it,—both beginning their account with Hotham's ſpeech,—it is not only quite poſſible that Hyde may have ſpoken what he here attributes to himſelf, but it is even likely that he ſo endeavoured

Hiſt. ii. 46-7.

the Houſe to the offence which had been committed on Monday night. He enlarged upon the miſchief it was then like to have produced, and which would unavoidably be produced, if the cuſtom or liberty of individuals proteſting againſt the ſenſe of the Houſe ſhould ever be admitted. That was the firſt time it had ever been offered there, and care ought to be taken that it ſhould be the laſt, by ſevere judgment upon thoſe who had begun the preſumption. Whereupon Hyde roſe and ſaid, that it concerned him to juſtify what he had done, being the firſt man who mentioned the proteſtation. But he was interrupted by a general noiſe and clamour, one half the Houſe crying to him to "withdraw," and the other half to "ſpeak." He waited awhile, and then reſumed. He was not old enough, he ſaid, to know the ancient cuſtoms of that Houſe; but he well knew it was a very ancient cuſtom in the Houſe of Peers. Leave was never denied there to any man who aſked that he might proteſt, and enter his diſſent, againſt any judgment of the Houſe to which he would not be underſtood to have given his conſent; and he did not underſtand any reaſon why a commoner ſhould not have the ſame liberty, if he deſired not to be involved in any vote which he thought might poſſibly be inconvenient to him. He had not offered his proteſtation againſt the Remonſtrance, though he had oppoſed it all he

Shows its danger.

Hyde defends it:

amid clamour.

Why not Commons as well as Lords?

to put himſelf forward, when he found that his friend Palmer was to be called to account. The matter of the ſo-called private diſpute raiſed as between Hyde and Palmer, which I altogether diſbelieve in, is not affected by it either way.

Hyde and Palmer.

Repeats proteſt againſt printing.

could, becauſe it remained ſtill within thoſe walls. He had only deſired leave to proteſt againſt the printing it; which, he thought, was in many reſpects not lawful for them to do, and might prove very pernicious to the public peace.

Suggeſtion by Strode:

This was liſtened to with ſome impatience; and at its cloſe the member for Beeralſton, always impetuous and forward on ſuch occaſions, was for having the Houſe to call upon Mr. Hyde to withdraw, ſince he confeſſed that he firſt propoſed the proteſtation; but Mr. Strode's ſuggeſtion was diſregarded, and not the leaſt notice appears to have been taken of Mr. Hyde's own propoſal to make a martyr of himſelf.

diſregarded.

Mr. Hotham ſpeaks.

Mr. Hotham, the member for Scarborough, familiarly called Jack Hotham, the ſon of Sir John, and ſo ſoon to periſh with him on a public ſcaffold for treaſon to the Parliament, roſe now and ſaid that the offence committed on Monday night which the Houſe was called to viſit with its ſevereſt cenſure, was committed by Mr. Geoffrey Palmer, the member for Stamford. A gentleman on that occaſion had offered, with the leave of the Houſe, to make a proteſtation, and another had ſeconded him; upon which the ſaid Mr. Palmer had without leave cried out, *I do proteſt*, and, further encouraging men to cry out every man the ſame, had ſaid that he proteſted "for himſelf and "the reſt." Many voices here interrupted Hotham, ſhouting out that Palmer's words were "*all* the reſt." The ſpeaker proceeded, and ſhowed that ſuch words in the mouth of

Attacks Palmer:

as leader

any member, tended to draw on a mutiny; and that if this were permitted in the Houſe, any one might make himſelf the head of a faction therein, and there would ſoon then be an end of the liberty and privileges of Parliament; and they might ſhut up their doors. He therefore deſired that Mr. Palmer, not being in the Houſe, might be ſent for. of a mutiny. Moves to have him ſent for.

Several members of Hyde's party next roſe, and objected to Palmer's being ſent for; and ſome wiſhed to know by what right Mr. Hotham had applied the word "faction" to any ſection of members in that Houſe. But, adds D'Ewes, "whilſt we were in debate about "ſending for him, Mr. Palmer came in; "and then Mr. Hotham laid the ſame charge "againſt him which he had done before, for "the ſubſtance thereof." Hereon, he continues, ſome would have had Mr. Palmer to make his anſwer, and then to withdraw into the Committee Chamber, that ſo they might proceed to cenſure; but others ſaid, that either he had committed no fault to which he was to anſwer, or, if he *had* ſpoken anything amiſs, he was to have been queſtioned for it at the time when he ſpake it, and not at this time, which was two days ſince the pretended words were uttered. "And this was maintained," ſays D'Ewes, "with great vehemence by thoſe "who ſpake for Mr. Palmer." Palmer enters. Conflict of friends and foes.

Hyde and Culpeper were as uſual the moſt vehement. Speaking to the orders of the Houſe, Hyde ſaid * the charge againſt Palmer

* Clarendon's own account of his ſpeech is, that, upon Mr. Palmer being called upon to explain, "Mr. Hyde (who

Hyde ſupports Palmer.

was againſt the orders, being he was only charged with words, not with any ill carriage. This being ſo, and the words not having been excepted againſt at the time they were ſpoken, it was now no orderly charge. For, in that caſe, a man might be queſtioned for words ſpoken a month or a year ago, as well as for thoſe ſpoken on Monday laſt. Words might be forged, too, and then how could a man anſwer for himſelf? It would take away the great privilege of freedom of ſpeech. Culpeper went ſtill further. Alſo ſpeaking to the orders of the Houſe, he took the objection, that the members aſſembled on that day, Wedneſday the 24th, could not be competent judges of words ſpoken on Monday the 22nd, becauſe divers were on this occaſion preſent who on the former were abſent; although he did not deny that the Houſe was the ſame in reſpect of the power of it. And what could be more dangerous than for a man to be queſtioned for words ſpoken in the Houſe after the time he ſhould ſpeak them; for might he not in ſuch caſe be alſo queſtioned in another parliament after?

Too late to require him to anſwer.

Culpeper on ſame ſide.

Members to be queſtioned only at ſpeaking.

Theſe confident opinions appear to have ſhaken ſome of the members preſent; the

"loved him much, and had rather have ſuffered himſelf, "than that he ſhould) ſpoke to the order of the Houſe, and "ſaid that it was againſt the orders and practice of the Houſe "that any man ſhould be called upon to explain, for anything "he ſaid in the Houſe two days before; when it could not be "preſumed that his own memory could recollect all the words "he had uſed, or that anybody elſe could charge him with "them; and appealed to the Houſe whether there was any "precedent of the like—and there is no doubt there never had "been; and it was very irregular." The account of the ſpeech in the text, however, is manifeſtly more correct than this notice of it preſerved by its author.

Hyde reported by himſelf: *Hiſt.* ii. 48.

debate went on with increaſing heat; and three hours had been ſo paſſed, when Denzil Hollis got up, and declared that he would charge Mr. Palmer with a new charge, in making a pernicious motion. But now, Sir Simonds D'Ewes, fortified with precedents, advanced to the reſcue; undertaking to prove that the original propoſition to make Palmer reſponſible for the words he had uttered, was ſtrictly in accordance with the uſage, and no violation of the orders, of the Commons.

Denzil Hollis makes new charge.

He began by ſaying he was ſorry, with all his heart, that the Houſe ſhould already have loſt ſo much time about this buſineſs, and the more becauſe it concerned a gentleman whom he had long known, and knew to be learned in his profeſſion. But he wondered to ſee any member of that Houſe, and much more (alluding to Hyde) any of the long robe, affirm that they could not queſtion words ſpoken therein any day after they were ſpoken, unleſs exception to the words were taken at the time of ſpeaking. "I dare be bold to ſay," continued Sir Simonds, warming into confidence, as his well-beloved records and precedents came to him at need, "there "are almoſt precedents in every Journal we "have of the Houſe of Commons. Some "I can remember upon the ſudden, as Mr. "Copley, in the time of Queen Mary; Mr. "Peter Wentworth, in 35th Elizabeth.; * and, "in 43d and 44th of the ſame Queen, either

D'Ewes ſpeaks.

Replies to Hyde.

Exhibits precedents.

* "I was miſtaken in the year," notes the particular D'Ewes in the margin of his Journal, "for it was in—" but alas! the correction is not legible to me.

" one Haſtings took exception at Mr. Francis
" Bacon, or he to Haſtings, for I dare not
" truſt an ill memory with the exact relation
Members not queſtionable elſewhere: " of it upon the ſudden. And all theſe were
" queſtioned in this House after the day was
" paſſed in which the words were ſpoken.
" This, indeed, is the true, ancient, funda-
" mental right of parliament, that we ſhould
" not be queſtioned anywhere elſe for things
" ſpoken within theſe walls. But that we
" ſhould not have power here to queſtion our
" own members for words ſpoken within theſe
" walls, either at the time when the ſaid words
" were ſpoken, or at any time after alſo, were
but by the Houſe at any time. " to deſtroy thoſe very liberties and rights of
" parliament."

Having laid down thus clearly and boldly the undoubted parliamentary rule, D'Ewes went on to apply it to Palmer's caſe, Premiſing that the words ſpoken, and matter of fact in iſſue, muſt be ſtated exactly, he ſhewed that to reſiſt any propoſal to queſtion the ſame, whether at the moment of delivery, or at any time after, would be to decline the juſtice of the Houſe; which for his part he ſhould never do, but ſhould always be ready to anſwer, at any preſent or future time, to anything he ſhould there ſay. As for that which was objected, he continued, by the gentleman on the other ſide (and he pointed to Sir John Culpeper), that it were a dangerous thing for them to admit that a ſucceeding parliament might queſtion what was done in a former, there was nothing more ordinary or more uſual. There was no doubt whatever but that a ſucceeding

Judgment of Houſe never avoidable.

Error in Culpeper's argument.

parliament might not only queſtion any particular thing done by them, as, for example, what was in progreſs at that moment, but might alſo revoke and repeal all the acts and ſtatutes which they had paſſed. And the reaſon thereof was evident and plain. For they ſat not there in their own right, but were ſent thither, and entruſted by the whole kingdom; the knights being choſen by the ſeveral counties, and the reſt by the ſeveral cities and towns. And, for that which was objected by the ſame worthy gentleman oppoſite, that, there being divers others in the Houſe who were not there when the words were ſpoken, therefore the Houſe was not the ſame, he (Sir Simonds D'Ewes) ſaid confidently that the Houſe was the ſame to all intents and purpoſes, not only *quoad proteſtationem*, but *quoad notionem* alſo; for of courſe he aſſumed there muſt be a perfect agreement as to what the words were that were ſpoken, before they could proceed to a cenſure of them. Whereupon, as though remembering his own abſence at the extraordinary ſcene, he thus proceeded:

Future parliament may queſtion paſt.

Houſe unchanged by abſence of members.

"And truly they may well be excuſed that "were abſent out of this Houſe at midnight, "for it was about that time on Monday night "laſt when theſe words were ſpoken; and I "do as much wonder that ſo many in this "Houſe ſhould object that the ſpeaking of "words is not an action, when that old verſe "aſſures us of the contrary—'Quatuor et "'dentes et duo labra ſimul, &c.' And more "ſtrange it ſeems to me alſo, that when this "worthy gentleman himſelf (and I pointed to

D'Ewes's own abſence at midnight of Monday.

Would have Palmer ſpeak.

" Mr. Palmer) hath ſo often ſtood up, him-
" ſelf, to ſpeak, ſo many ſhould hinder him;
" for if they will not let him ſpeak by way of
" anſwering, yet let him ſpeak by way of
" ſpeaking.—Some laughed at this, thinking I
" had been miſtaken; but I proceeded and
" told them, that I ſhould be ſorry to ſpeak
" anything in that Houſe which I could not
" make good logic of; and therefore I ſtill
D'Ewes proud of his logic. " preſſed, that if we would not let him ſpeak
" by way of anſwering, that is by coaction
" and as a delinquent, then let him ſpeak by
" way of ſpeaking, that is *ſermoni libero et ſpon-*
" *taneo.* And who knows," concluded the preciſe and learned orator, " but that he may
" give much ſatisfaction to this Houſe by his
" ſpeaking? And therefore, Sir, I deſire that
" he may be heard."

Palmer's friends prevent his riſing.

The deſire of the worthy Sir Simonds, however, failed to convince Mr. Palmer's friends of the expediency of yielding thereto. In vain the Speaker renewed the propoſition that the member for Stamford ſhould be heard. In vain was it urged that no man was entitled to object becauſe none knew what he would ſay. The objectors ſtood ſo firm, that it became clear it would have to come to a diviſion, and Hyde and Culpeper violently called out to divide. Palmer withdrew into the Committee Chamber, and the Speaker put the queſtion—As many as are of opinion that Mr. Palmer ſhall be required to anſwer to the charge laid againſt him, let them ſay Aye. "But then," interpoſes D'Ewes, " Mr. Palmer's friends would have had theſe words to have been

A diviſion called for.

Hyde moves addition

" added to the queſtion, namely, 'for words " 'by him ſpoken on Monday night laſt;' " but we that thought Mr. Palmer deſerved " to be queſtioned, would not agree to that " addition. Whereupon it came to a diviſion " upon the queſtion." to queſtion.

The tellers appointed on the one ſide were Hyde and Sir Frederick Cornwallis, and on the other Sir Thomas Barrington and Sir Martin Lumley, the member for Eſſex. The Ayes went out, and proved to be but 146; the Noes (of whom D'Ewes was one) ſat ſtill, and were 192. It being directed, upon this, that Hyde's addition ſhould not be made, Sir Robert Hatton, the member for Caſtle Riſing, and a determined royaliſt, jumped up to ſpeak againſt the other queſtion; but Mr. Speaker interrupted and told him he was out of order, for he could not now ſpeak until the queſtion had been put. It was put accordingly, the ſame tellers being appointed on both ſides; and the Ayes (of whom D'Ewes was one) going out, were 190, whereas the Noes, ſitting ſtill, were but 142. It was thereupon immediately ordered, that Mr. Palmer ſhould be required to ſpeak; and being called down from the Committee Chamber, in which he had remained ſince before the firſt diviſion, he was informed by the Speaker that the Houſe required him to make anſwer to the charge laid againſt him. Defeated by 192 to 146. Original queſtion carried by 190 to 142. Palmer required to ſpeak.

He preſently aroſe, and, profeſſing his innocency as to the particular matter alleged, made relation of ſome foregoing paſſages. That when, upon the vote being determined that the Declaration ſhould paſs, a motion was

His defence.

made by Mr. Peard that it ſhould be printed, divers proteſted againſt it; and that himſelf deſired alſo to have his proteſtation entered, againſt the printing but not the paſſing; and that when, afterwards, it was moved that the names of ſuch as had proteſted might be entered, he being unſatisfied, and deſiring it might be debated firſt whether ſuch a proteſtation might be made or not, wiſhed a day to be appointed for that end, and thereupon deſired that his own name, and the names of the reſt who had proteſted, might be entered by the Clerk.

Hampden's queſtion.

And that, Mr. Hampden thereupon aſking him, how he knew other men's minds, he anſwered, becauſe he had heard others deſire their names to be entered, and heard them cry "All, all." But for the other words charged upon him, that he had proteſted "in the name of himſelf and "the reſt," he declared he did not remember that he had ſpoken them. But he was very

Apology.

ſenſible of his own misfortune, and ſorry for having given that occaſion to the Houſe to queſtion him. And ſo, having ended, he withdrew again into the Committee Chamber.

Whitelocke ſupports Palmer.

Bulſtrode Whitelocke, member for Marlow, and a perſonal friend of Palmer's, though himſelf a ſupporter of the Remonſtrance, roſe immediately after to confirm generally, by his own recollection, the ſubſtance of the ſtatement juſt made: but the hour was now late, it having long ſtruck four, and it had grown ſo dark that the Speaker was no longer able to diſcern

Mr. Speaker cannot ſee hon. members.

who ſtood up. Cries from both ſides became loud for an adjournment, and order was accordingly made that the further conſideration of

Mr. Palmer's offence ſhould be reſumed at ten o'clock the next morning. Dark as it was, however, the Houſe was not allowed to riſe until the indefatigable Mr. Pym had obtained direction for a committee, conſiſting of himſelf, Mr. Denzil Hollis, and others, to take examinations of divers Iriſhmen* then in the ſerjeant's cuſtody, ſuſpected of privity in the late horrible deſign; and his purpoſe in ſo demanding this immediate committee was, that thoſe who on examination might be found not fairly obnoxious to ſuſpicion might at once be diſmiſſed. Through all the frequent conſpiracies and dangers of this troubled time, the reins of authority ſeized by the Houſe were held with a firm, yet wiſe and temperate, hand; and no ſtrain upon the liberty of the ſubject that could be ſafely ſpared, was countenanced or permitted by its great leader.

Subject to be reſumed to-morrow.

Adjournment at dark, 4·30.

§ xxi. Palmer's Puniſhment and Submiſſion.

On Thurſday, the 25th of November, the Speaker took the chair at ten o'clock; but Mr. Solicitor St. John interpoſed before the reſumption of Palmer's buſineſs, to obtain leave to bring in a ſhort bill for the levy of tonnage and poundage, and after him Denzil Hollis roſe to remind the Houſe of that ſuggeſtion of the worthy member ſitting below him by the

Tenth debate: Thurſday, 25th Nov.

Petition to accompany.

* "He hoped alſo," the liberal leader told the Houſe on this occaſion, "that they had the woman in hold who had "conveyed letters into Ireland."

Remonſtrance.

bar (deſignating Pym) which had found favour on Monday night, to accompany the Remonſtrance by a Petition to his Majeſty; as to which he moved accordingly that ſome might be appointed to draw this Petition, in ſuch manner as to ſhow what had neceſſitated them to make their Declaration. Some little debate enſued hereon, and ended in the adoption of Hollis's motion that the Petition ſhould be prepared and preſented by the ſame committee that had drawn the Declaration; to which was added an order, on the motion of Sir Gilbert Gerrard, member for Middleſex, that they ſhould include in the ſaid Petition a form of congratulation for his Majeſty's ſafe return from Scotland, which ſhould alſo be preſented to him in the name of the Houſe.

Referred to Committee.

Tonnage and Poundage bill.

D'Ewes had left his place while Hollis was ſpeaking, and when he returned to it, between eleven and twelve o'clock, he found the Solicitor-General preſſing his bill of tonnage through the neceſſary ſtages to obtain its enactment before the exiſting bill ſhould expire. After this, ſome other buſineſs of moment preſented itſelf, but members grew impatient for the concluſion of the debate reſpecting Palmer; and on the motion of Sir Robert Cook, who ſat for Tewkeſbury, and who urged with ſome vehemence the propriety of not delaying cenſure in a matter affecting the high privileges of the Houſe, that ſubject was reſumed. "We "then," ſays D'Ewes, "proceeded before "twelve of the clock with the debate and "conſideration touching Mr. Palmer's offence. "That held till about three of the clock in

Palmer's debate called for.

" the afternoon, before we proceeded to debate " of his puniſhment."

The ſubſtance of the ſpeeches on either ſide will ſufficiently indicate the character of the early part of the debate. In aggravation it was inſiſted on, that as to the particular matter, Palmer's great ability in his profeſſion, his very temperateneſs of nature in the general, and the fact of his being a gownſman, much increaſed his offence. " That after the firſt " diſtemper of the Houſe was well pacified " which aroſe about the proteſtation-making, " he, by his new motion to have a proteſta- " tion entered in his own name and the name " of all the reſt, did again raiſe the flame to " ſuch an heighth, as, if God had not pre- " vented it, murder and calamity might have " followed thereupon, and this parliament " with our poſterity and the kingdom itſelf " might have been deſtroyed. For, upon " Mr. Palmer's ſaid motion, ſome waved their " hats, and others took their ſwords with the " ſcabbards out of their belts and held them " in their hands." On the other ſide, in extenuation, it was urged, that Palmer had in no reſpect forfeited his reputation as a ſober, learned, and moderate man. That his only intent in the motion he made was to put an end to the particular night's debate, it being ſo far ſpent; and to put off to a further day the diſpute of the queſtion whether the members of that Houſe might proteſt or not. There had been an earneſt offer to proteſt on the part of Mr. Hyde; then a motion to take names by others, and then Palmer moved in

Speeches on either ſide.

In aggravation of offence.

Scene it had occaſioned.

In extenuation of offence.

the name of himſelf and all others of his mind; but whether this was to proteſt, or to take names, was yet a queſtion. Afterwards, indeed, Palmer was queſtioned by Mr. Hampden, and he ſtood up, and the Houſe cried, "All, "all." But there was no proof that he had an intention to raiſe any heat or combuſtion. He had done very good ſervice in the Houſe, and particularly in the enquiries into foreſt abuſes, where he occupied the chair; and he was entitled to have that remembered now. Some, however, went ſtill further in extenuation, and others even juſtified what he had done to be no offence at all.

Interference of Hampden.

Palmer's previous ſervice.

Delays reſorted to.

The afternoon wore away in ſuch debate, but it was in vain that Palmer's friends exhauſted every reſource to avert what they too plainly felt muſt inevitably come. The popular leaders were not to be turned from their purpoſe. The offence committed, and the perſon committing it, were of no ordinary kind. The offence ſtruck at the very ſource and foundation of the power of the Houſe, breaking down all the barriers which old uſage and cuſtom had thrown up, to keep before the people ſole and intact, no matter what their internal diviſions might be, the authority and influence of the Commons. The offender in himſelf repreſented a new and powerful party, bred within the Houſe itſelf, who would have entered through the breach ſo made, and turned that very influence and authority to the ſecret ſervice of the King. Palmer's ſucceſs would have divided the Houſe againſt itſelf; into a Minority claiming to be free from undue ſtrain

Reſolution of majority to puniſh.

Gravity of the act attempted:

and preſſure upon their conſciences, oppoſed to a Majority claiming predominance incompatible with the exerciſe of individual rights, and coercing free deliberation. Once admit ſuch diviſion, all the votes of the paſt year would loſe their claim to continued reſpect,* and the Sovereign would again be uncontrolled. No jot would Pym and Hampden conſent to abate, therefore, from what was ſtrictly neceſſary to ſingle out and ſet aſide what Palmer had done, as matter of high and weighty cenſure. But they did not go beyond it. They demanded his committal to the Tower until due ſubmiſſion and retractation were made.

to place minority above majority.

Puniſhment demanded.

Some indeed were eager to have gone farther, demanding his expulſion; but none of the great names on the liberal ſide appear among theſe, who were in truth led by the very man, Sir John Hotham, whom Clarendon repreſents as moſt oppoſed to what the leading men deſired as to himſelf. Sir Robert Cook, the member for Tewkeſbury, would

Hotham and others for expulſion.

* Clarendon occaſionally, to uſe an expreſſion of his own, "lets himſelf looſe" (*Hiſt.* i. 7: as if, to quote Warburton's ſhrewd comment on the phraſe, he were ſpeaking againſt his duty when he cenſures the Crown); and there is a remarkable and moſt weighty paſſage in his *Hiſtory* (ii. 252), in which he diſtinctly admits that it was the King's habit to conſent to particular meaſures (in this caſe he is ſpeaking of the bill for taking away the legiſlative power of the biſhops) from an opinion that what he held to be the violence and force uſed in procuring them, rendered them abſolutely invalid and void, and "made the confirmation of them leſs conſidered, as not "being of ſtrength to make that act good, which was in "itſelf null. And I doubt," he adds, "this logic had an "influence upon other acts of no leſs moment than theſe." Thoſe are ſurely very ſignificant and pregnant words. See *ante*, p. 155.

Clarendon "letting himſelf looſe." *Hiſt.* ii. 252.

have had the offender not only ſentenced to the Tower, but turned out of the Houſe as well: whereupon Sir John Strangways got up and reminded that worthy member, that as he had been ſworn ſince the laſt Lord Steward ſurrendered his ſtaff, ſome doubts exiſted how far there was any legal commiſſion to ſwear him,* and perhaps he might himſelf, by the ſtatute 21ſt of James, be turned out of the Houſe before Mr. Palmer. The member for Southwark, Mr. Bagſhaw, roſe next, and, as a brother barriſter of Palmer's, took the liberty to doubt whether, having denied the fact charged, he was fit to be ſentenced; ſeeing that the charge had really not yet been proved by any one man, and all judges ſhould go *ſecundum allegata et probata.* But Palmer found a more effective advocate in Mr. John Crew, the member for Brackley.

Speeches by friends of Palmer.

Strangways and Bagſhaw.

Crew comes to rescue.

Crew, a man of great fortune, and of principle as firm and unaſſailable as he was generally moderate in ſpeech (it was by his help chiefly that Vane and Cromwell were able ſubſequently to paſs the Self-Denying Ordinance), had voted uniformly with Pym and Hampden throughout the debates on the Remonſtrance,† and he now thought that the

Pembroke Lord Steward.

* Three days ſubſequent to this, an order was made to move the Lords to join with the Commons in moving his Majeſty "to appoint the Earl of Pembroke Lord Steward of "his Majeſty's houſehold: for that this Houſe is deprived of "certain members, by reaſon there is no Lord Steward, to "give or authoriſe the giving of the oaths of allegiance and "ſupremacy."

Crew at Uxbridge.

† It is worth mention, perhaps, that in the famous treaty of Uxbridge, nearly four years after this date, Crew was one of the commiſſioners on the ſide of the Parliament, with

juſtice of the caſe, which he conſidered to have been fully admitted, would be ſatisfied ſufficiently by ſuch admoniſhment as the Speaker ſtanding in his place might then and there adminiſter. For himſelf, he would interpret things doubtful ever in the beſt ſenſe; and he could not forget ſuch ſervice as Mr. Palmer had heretofore rendered to the cauſe which in this late matter had received ſome offence from him. "Sir," continued this diſcreet and temperate advocate, "though none can plead "his merits to excuſe a fault, yet if I have "received many favours from a man that "now doth me injury, I ſhall not forget "thoſe benefits, but be the willinger to for-"get the injury, and the rather in this place, "becauſe we have power to puniſh our own "members when they offend, but not to "reward them when they do well." It was impoſſible that ſuch an appeal as this ſhould fail of effect; but the effect was in a great degree removed by a ſpeech in which Waller meant to have followed up the advantage; but, in his lively audacious way, ſeeking to pleaſe both ſides, ſatisfied neither, and almoſt wholly loſt what Crew had gained. He deſired the Houſe not to permit a man's ſucceſs to be the proof of his delinquency. All their puniſhments were but the Tower and the Bar, and thoſe were great puniſhments, when they were inflicted for great offences. But the cuſtom had ariſen, both within and without thoſe

Suggeſts reprimand by Mr. Speaker.

Reminds Houſe of Palmer's ſervices.

Waller on ſame ſide;

leſs diſcreet.

Geoffrey Palmer oppoſed to him on the King's ſide. See Clarendon, *Hiſt.* iii. 37, 76, and 90.

Too many penalties for ſmall offences.

walls, of puniſhments diſproportioned to the offence. In former days, while Queen Elizabeth reigned, a check from the Council Table, or a ſentence in the Star Chamber, was of ſuch repute that none eſteemed men who were ſo checked or ſentenced: but what was it their Remonſtrance had juſtly taken exception to? Of late theſe puniſhments had been inflicted for ſuch ſmall offences, that all men did rather value and eſteem thoſe as martyrs who ſuffered in that way, than diſeſteem them for it. He adjured them, therefore, to let no man be puniſhed for temperance, leſt they ſhould ſeem to puniſh virtue.—The reſult of which homily, by one whoſe great wit and parts had brought himſelf ſuch ſmall eſteem, may perhaps be meaſured by what followed immediately after. Sir John Hotham declared that if by the rules of the Houſe any greater cenſure than expulſion and the Tower could be laid upon the offender, he would gladly go higher than even thoſe. Happily the majority were not of that opinion.

Do not puniſh temperance.

Anger of Hotham.

"This laſt debate," ſays D'Ewes, "held "till paſt four, at which time I withdrew out "of the Houſe. When I returned again, the "debate was, which of the two queſtions "ſhould be put firſt: whether for his ſending "to the Tower, or for his being expelled "out of the Houſe." Upon this, Sir Ralph Hopton, member for Wells, afterwards ſo conſpicuous on the King's ſide in the war as "Hopton of the Weſt," appears to have taken the lead. He moved that the queſtion of ſending to the Tower ſhould be firſt put;

Suggeſtion by Sir Ralph Hopton.

becauſe, he argued, if that for expulſion were put firſt, being the greater, the judgment of the Houſe would be paſſed by it, and then the leſſer queſtion could not be put. Such a point mooted as this rarely failed to call up D'Ewes. He roſe accordingly, and craved leave rather to ſpeak to the orders of the Houſe than to the order of putting the queſtions. In reſpect of the remarks which had been laſt made, he wondered to hear ſuch from an ancient parliament man; for it was not the putting and voting of one, two, three, or four queſtions there, that made the judgment of the Houſe. Replied to by D'Ewes.

"That, Sir," continued the preciſe Sir Simonds, "is to be pronounced by yourſelf, our Speaker, "to whom we direct our ſpeeches; and then, "and not till then, is the judgment of this "Houſe paſt." He added that, if they could not agree which of the two queſtions ſhould be paſſed firſt, for his part he ſhould be content to have them paſſed together. Uſages of the Houſe.

The reſult is thus ſuccinctly recorded by the ſame veracious and conſcientious witneſs. "Others ſpake after me, and the contention "which queſtion ſhould be firſt put was again "ſet on foot: till at laſt it was reſolved, by "queſtion, that the matter touching Mr. "Palmer's going to the Tower ſhould be firſt "determined; and thereupon the Speaker did "firſt put this queſtion—As many as are of "opinion that Mr. Palmer ſhould be ſent to "the Tower, there to remain during the "pleaſure of the Houſe, let them ſay Aye. "Upon which followed a great affirmative; "and the queſtion being put negatively, there Queſtions put: Shall Palmer be ſent to Tower?

" were many Noes: whereupon there followed
" a diviſion of the Houſe, and the Speaker
" appointed Sir Thomas Barrington and Sir
Yes: by 169 to 128. " John Clotworthy tellers for the Ayes, of
" which I was one, and we went out and were
" in number 169; the tellers appointed for
" the Noes, who ſtayed in the Houſe, being
" the Lord Falkland and Mr. Strangways"
(the member for Bridport), "and the number
" of them was 128. Then the Speaker put
" the ſecond queſtion, namely—As many as
" are of opinion that Mr. Palmer ſhall be
" expelled from being a member of this Houſe
" during this parliament, let them ſay Aye.
'Shall he be expelled? " Upon which followed a leſſer affirmative
" than formerly; and upon the negative, a
" greater number of Noes. The Houſe was
" again divided, and the ſame tellers appointed
" both for the Ayes and Noes as before. I
" was an Aye, and the Ayes went out again,
" and were in number 131. The Noes that
No: by 163 to 131. " continued in the Houſe were 163. And ſo
" Mr. Palmer eſcaped expulſion out of the
" Houſe, which his offence had deſerved in a
" high meaſure. We appointed to meet to-
Houſe adjourns. " morrow morning by ten of the clock, and
" ſo the Houſe roſe between ſix and ſeven of
" the clock at night."

On the next day, Friday the 26th of November, Palmer, "in his barriſter's gown," appeared at the Bar to receive ſentence; and, kneeling there, was informed by Mr. Speaker that the judgment awarded to his offence was committal to the Tower during the pleaſure of the Houſe. To the Tower he was com-

Friday, 26th Nov. Palmer appears at Bar.

mitted accordingly, and there remained until Wedneſday the 8th of December; on the morning of which day "the humble petition "of Geoffrey Palmer was read, wherein he "did acknowledge his offence and the juſtice "of the Houſe, and his ſorrow that he had "fallen into its diſpleaſure;" upon which an order paſſed for the diſcharge of Mr. Palmer from his impriſonment in the Tower.

Is committed.

8th Dec. Sends in petition and is releaſed.

As to this ſubmiſſion of his friend, Clarendon is wholly ſilent; and, in ſo far as the ſin of ſuppreſſion may be leſs than that of deliberate falſification, the circumſtance ſhould perhaps be mentioned to his praiſe. He alſo unconſciouſly renders tribute to the ſagacity and ſteadineſs of purpoſe with which the leaders had purſued and obtained their object in theſe long and paſſionate debates, when he ſays, that, having compaſſed their main end, they found the ſenſe of the Houſe more at their devotion from that time, and admits that the minority grew ſo caſt down and dejected, that the leading men ever after met no equal oppoſition within its walls. But in every other point of theſe later, as of the earlier proceedings, every ſingle ſentence he utters is a miſſtatement. He ſays there was not the leaſt doubt that there never had been any precedent for calling a member to account for words ſpoken except at the moment of their utterance; Whereas D'Ewes's precedents have been ſeen. He ſays that, after two hours' debate, additional delays, and bitterneſs were only ſpared by Palmer's own voluntary offer that to ſave the Houſe farther trouble he might anſwer and withdraw!

Reſults of Palmer's puniſhment.

Clarendon's *Hiſt.* ii. 61-62.

Series of miſſtatements.

Whereas the anſwer was only given upon compulſion, after a formal diviſion had left no alternative. He ſays that the real ſecret of the hoſtility diſplayed to Palmer, and the reaſon why the angry men preſſed with all their power that he might be expelled the Houſe, was that they had borne him a long grudge for the civility he ſhowed as one of the managers in the proſecution of the Earl of Strafford, in that he had not uſed the ſame reproachful language which the others had done: Whereas the men moſt eager to protect Palmer were notoriouſly thoſe who, like Culpeper, Falkland, and even Hyde himſelf, had ſhown leaſt mercy or forbearance to Strafford. Finally he ſays,* that in the cloſe of the day, when the diviſion was taken againſt Palmer, and on the riſing of the Houſe, an order was obtained, without much oppoſition, for the printing of the Remonſtrance: Whereas two days were occupied by the Palmer debate, and not even an attempt was

Alleged ground of hoſtility to Palmer.

No truth therein.

Falſe averment

* I give the entire paſſage, taking it up from where the paſſage previouſly quoted (*ante*, p. 336) ends. As he there mentions, he had appealed to the Houſe whether there was any precedent of the like: "and there is no doubt," he continues, "there never had been; and it was very irregular. "But they were too poſitively reſolved to be diverted; and, "after two hours debate, he himſelf deſired, 'that to ſave the "'Houſe farther trouble, he might anſwer and withdraw'— "which he did. When it drew towards night, after many "hours debate, it was ordered that he ſhould be committed "to the Tower; the angry men preſſing with all their power, "that he might be expelled the Houſe: having borne him a "long grudge, for the civility he ſhowed in the proſecution "of the Earl of Strafford; that is, that he had not uſed the "ſame reproachful language which the others had done . . . "And in the cloſe of that day, and the riſing of the Houſe, "without much oppoſition, they obtained an order for the "printing their Remonſtrance."

Clarendon *Hiſt.* ii. 48-9.

made during either to ſmuggle in any order for the printing. When it was done, it was done openly, but the time for it was even yet not come. as to printing.

Such are the deliberate averments of Clarendon; and ſuch in each caſe the complete diſproof which a ſimple ſtatement of the fact enables me to give.

§ xxii. Petition to accompany Remonstrance.

Saturday, the 27th of November, was the day named for reception of the report of the Committee appointed to draw the Petition to the King; deſigned, in accordance with Pym's ſuggeſtion, to accompany the Remonſtrance. It was uſhered in by threatening omens. Charles was now arrived from Scotland, and had been received with magnificent entertainment in the City, on the previous Thurſday. He had returned afterwards to Whitehall in ſuch elation and excitement as rarely was witneſſed in him; between that evening and the following day, when he proceeded to Hampton Court, had given Nicholas the ſeals which were held by Windebank; had deprived old Vane (whoſe Treaſurer's ſtaff had been taken from him at York) of his Secretaryſhip; had ſeen privately Culpeper, Falkland, and "Ned Hyde;" had directed a proclamation to be iſſued for more implicit obedience to the laws eſtabliſhed for the exerciſe of religion; and had given order for the immediate diſmiſſal of thoſe Trained Bands employed upon guard at the two Houſes, which, as we have ſeen, upon the receipt of Eleventh Debate: 27th Nov. King's arrival. Impolitic acts. Order as to Religion.

Guard to parliament diſmiſſed.

Hampden's diſpatch out of Scotland announcing the plots againſt the leaders of the Covenant, had been ordered up for their protection, and ſince had guarded them by night and day.* He had alſo taken the reſolution, though the act was deferred for yet a few days, to remove Col. Balfour from the command of the Tower, and to appoint Col. Lunsford in his place. The temper of the Houſe at ſuch report as had reached them of theſe incidents was not ſlow in revealing itſelf.

Excitement in Houſe.

Prayers had juſt been ſaid when Hampden roſe in his place; made a ſtatement as to a Buckinghamſhire papiſt, one Adam Courtney, ſuſpected of connivance in the plot now proved againſt the King's officers to bring up the Army to overawe the Parliament; and, producing the minute pieces and fragments of certain letters which Courtney had torn up on his arreſt, deſired that they ſhould be deciphered by the army committee then ſitting, by whom alſo the delinquent could be

Hampden ſpeaking.

Queſtion as to Guard.

* The order had been given by the King on the evening of his arrival, Thurſday, the 25th. Early on Friday morning Pym reported to the Houſe that, whereas, heretofore, a Guard had been ſet, at the deſire of the Commons, in reſpect of the multitude of ſoldiers, and other looſe perſons, infeſting the precincts of Weſtminſter, and was afterwards continued by both Houſes, and the Lord Chamberlain [Eſſex], who had a commiſſion to be Lord General on this ſide Trent, took a care concerning the ſame; but now, upon His Majeſty's return, he hath ſurrendered his commiſſion, and the Lords have received a meſſage from his Majeſty, to be communicated to both Houſes, "that the Guard, that had been ſet in his abſence, perhaps was done upon good grounds, but now his preſence is a ſufficient guard to his people; and therefore it is his pleaſure they ſhould be diſcharged; and, if need be to have a Guard hereafter, his Majeſty will be as glad to have a Guard as any other."

King's meſſage.

brought up from Ayleſbury gaol and examined. After him roſe Mr. Oliver Cromwell, to call attention to a groſs ſlander againſt the Houſe of which he held the proofs in his hand, and by which it ſeemed that "one "whom he named not left he ſhould with-"draw himſelf" had given out that the principal members had been alarmed on ſeeing the intended City entertainment to his Majeſty announced, and had ſent privately to the ſaid City to induce them not to entertain him. After Cromwell, Mr. Strode preſented himſelf, to move that ſome courſe might be taken for putting the kingdom in a poſture of defence, in which he was ſeconded by Sir Thomas Barrington and Sir Walter Earle; and, upon the ſuggeſtion of the ſame active member, a committee of ſeven was named to draw up the whole proof of the firſt deſign to bring up the Army to overawe the Houſe, and to prepare for introduction at the next ſitting a bill for the "future commanding of "the Arms and the Trained Bands of the "kingdom." The member for Beeralſton alſo moved that reaſons ſhould at once be preſented to his Majeſty for the continuance of the Guard over both Houſes,* and that theſe

Oliver Cromwell.

Suggeſtion for defence of kingdom.

Referred to Committee.

* This was on Saturday; and on the morning of the following Tueſday, the 30th of November, Pym preſented thoſe reaſons in a remarkable report which ſhows how thoroughly exiſting dangers were appreciated, and how much was thus early ſuſpected of the King's moſt cheriſhed deſign. Already, in a ſecond reply to a further petition on the ſubject of the continuance of the Guard, his Majeſty had all but confeſſed his purpoſe of gathering an armed force around his perſon. So tender was he of the Parliament's ſafety, he proteſted, "that to "ſecure them, not only from real, but even imaginary dangers,

Tueſday, 20th Nov.

King's deſign as to Guard.

ſhould be drawn by the ſame committee to whom it had been referred to prepare the Petition to accompany the Remonſtrance.

Perſonal reaſons.

" he had commanded the Earl of Dorſet to appoint ſome of " the Trained Bands to wait upon the Parliament for a few " days; in which time, if he ſhould be ſatisfied that there is " juſt reaſon, he would continue them, and likewiſe take ſuch " a courſe *for the ſafety of his own perſon* as ſhould be fit." Quietly diſregarding this intimation, Pym's report was an elaborate expoſition of reaſons for continuing the exiſting Guard, under their own officers. It adverted to the great number of diſorderly, ſuſpicious, and deſperate perſons, eſpecially of the Iriſh nation, lurking in obſcure alleys and victualling houſes in the ſuburbs and other places near London and Weſtminſter. It deſcribed the jealouſy conceived upon diſcovery of the deſign in Scotland, for the ſurpriſing of the perſons of divers of the nobility, members of the parliament there, which had been ſpoken of here, ſome few days before it broke out, not without ſome whiſpering intimation *that the like was intended againſt divers perſons of both Houſes:* which had found the more credit, by reaſon of the former attempt of bringing up the army, to diſturb and enforce this parliament. It enlarged upon the conſpiracy in Ireland, and indicated the alarming evidence exiſting that *ſomething of the like was deſigned in England and Scotland.* It hinted at divers advertiſements coming at the ſame time from beyond ſea, " that there ſhould be a great alteration of religion in England " in a few days, and that the necks of both the parliaments " ſhould be broken." It inſtanced the recent divers examinations and dangerous ſpeeches of the popiſh and diſcontented party; and the ſecret meetings and conſultations of the papiſts in ſeveral ſhires and diſtricts. And its authors concluded that for theſe conſiderations a Guard was neceſſary; for they did conceive there was juſt cauſe to apprehend that *there was ſome wicked and miſchievous practice ſtill in hand to interrupt the peaceable proceedings of the parliament.* Nor leſs neceſſary did they conſider it that the Earl of Eſſex ſhould be continued in the command. " For preventing whereof it " is fit the Guard ſhould be continued under the ſame com- " mand, or ſuch other as they ſhould chooſe; but to have it " under the command of any other, not choſen by themſelves, " they can by no means conſent to; and will rather run any " hazard, than admit of a precedent ſo dangerous both to this " and future parliaments. And they humbly leave it to his " Majeſty to conſider whether it will not be fit to ſuffer his " High Court of parliament to enjoy that privilege of providing " for their own ſafety, which was never denied other inferior

Pym's counter reaſons.

Plots in progreſs.

Attack on Parliament expected.

Unſafe without

After this the Houſe went into committee on the Tonnage and Poundage bill, with Mr. Liſle, the member for Wincheſter (he who afterwards ſat on the King's trial), in the Clerk's chair; and on the Speaker's reſumption of his ſeat, between one and two o'clock mid-day, Pym entered with the Petition juſt named in his hand. He craved permiſſion at once to be permitted to read it; and having done this, it was handed over to the Clerk, who "loudly and deliberately" read it over again.

Remonſtrance petition brought in.

It was to the effect that his Majeſty's faithful Commons did with much thankfulneſs and joy acknowledge the great mercy and favour of God, in giving his Majeſty a ſafe and peaceable return out of Scotland into his kingdom of England, where the preſſing dangers and diſtempers of the State had cauſed them, with much earneſtneſs, to deſire the comfort of his gracious preſence, to help the endeavours of his Parliament for the averting of that ruin and diſaſter with which his kingdoms at this time were threatened. For having convinced themſelves of the exiſtence of a malignant party who had acceſs to his perſon and councils, and whoſe unceaſing endeavours were to diſcredit his Parliament and to create a faction among his people, they had, for the prevention thereof, and the better

Abſtract of its contents.

Why King's preſence deſired.

Zeal of evil counſellors.

"Courts: and that he will be pleaſed graciouſly to believe, their own
"that they cannot think themſelves ſafe under any Guard, of Guard.
"which they ſhall not be aſſured that it will be as faithful in
"defending his Majeſty's ſafety as their own; whereof they
"ſhall always be more careful than of their own."

Declaration prepared:

information in ſundry important particulars of his Majeſty, the Peers, and all other his ſubjects, been neceſſitated to make a Declaration of the ſtate of the kingdom as well before as after the meeting of the parliament now aſſembled. Before ſubmitting which, they deſired frankly to point out with what danger to the country, and grievous affliction to all loyal dwellers therein, the practice was attended of placing in employments of truſt and nearneſs about his Majeſty, the Prince, and the reſt of his Royal children, active members of the malignant party before mentioned, favourers in all reſpects of popery, and mere engineers or factors for Rome; ſince it was by ſuch, to the ſore diſcontent of his loyal ſubjects, that divers of his biſhops, and others in prime places of the Church, had been corrupted. They juſtified their right to give this warning, by the diſtractions and ſufferings ſo cauſed; by the continual tamperings with the army in England; by the miſerable incidents and jealouſies in Scotland; by the papiſt inſurrection, and moſt bloody maſſacre, in Ireland; and by the great neceſſities which had in conſequence ariſen for the King's ſervice, impoſing upon themſelves the taſk of burdening the ſubject for contributions to the extent of a million and a half ſterling. Not diſtantly pointing at the Queen, they then urgently entreat his Majeſty not to ſuffer any ſolicitation to the contrary "how powerful and near ſoever," to turn aſide the three requeſts with which they concluded.—(1.) That for the preſerving the kingdom's peace

to point out dangers to State and King.

Why ſuch warnings neceſſary.

Three cloſing requeſts:

and ſafety from the deſigns of the popiſh party, his Majeſty will, in regard to the biſhops,* concur with and ſecond his people's humble deſires in a parliamentary way † to abridge their immoderate power uſurped over the clergy; to deprive them of their temporal juriſdiction in parliament; to take away ſuch oppreſſions ‡ in religion, church government, and diſcipline, as had been brought in and fomented by them; and to abate their preſſure upon weak conſciences by removing thoſe oppreſſions and unneceſſary ceremonies. i. To abridge biſhops' power.

(2). That the malignant and ill-affected be removed from their places of influence, and that in future his Majeſty vouchſafe to employ near him, and in great public offices, only ſuch perſons as his parliament had cauſe to confide in. ii. To remove ill counſellors.

(3). That ſuch lands in Ireland as may be forfeit to the Crown in conſequence of the Rebellion, be not alienated from it, but applied to the public neceſſities. iii. To apply Iriſh forfeitures to public needs.

—Which humble deſires being fulfilled, the authors of the Remonſtrance undertook, by the bleſſing and favour of God,§ moſt cheerfully to undergo the hazard and expenſes of the war againſt the Iriſh rebels, and to apply themſelves to ſuch other courſes and counſels

* A great attempt was made, as ſtated in the text, but unſucceſsfully, to limit the expreſſion here to "divers of the "biſhops," as in a previous paſſage.

† Theſe words, "in a parliamentary way," were moved to be added after the Petition was brought in.

‡ The word "oppreſſions" had originally ſtood "corrup- Changes "tions," and ſeems to have been changed on Mr. Coventry's propoſed ſuggeſtion. in Petition.

§ "By the bleſſing and favour of God" were words added, upon ſpecial motion, during the debate.

as might, with honour and plenty at home, with power and reputation abroad, support the Royal eſtate, and, by their loyal affections, obedience, and ſervice, lay a ſure and laſting foundation for the greatneſs of the King, and the happineſs of his poſterity in future times.

Pym anſwers objections.

After the Clerk had finiſhed his reading, ſeveral members of Hyde's party ſtated objections; "to whom," ſays D'Ewes, "Mr. "Pym anſwered. Then Sir John Culpeper "anſwered much of that Mr. Pym had ſaid, "and made ſome new objections. Mr. "Pym ſtood up again." But he was not permitted to ſpeak. Mr. Strangways roſe to order, many others roſe to order, and the interruption was long and vehement. Hampden's authority at length again reſtored ſome quiet, upon his ſuggeſting that it would probably be found within the rules of the Houſe that Mr. Pym, being the reporter from the committee which prepared the Petition, might ſpeak more than once, and might anſwer all objections. Here was opportunity made for D'Ewes; and that great maſter of precedents, and voucher of records, was not ſlow to take advantage of it. He got up and ſaid that it was very true that the worthy gentleman at the Bar (indicating Mr. Pym), being the reporter, might ſpeak as often as occaſion ſhould ſerve; and yet it was as true, alſo, that he might ſpeak out of order. For, though he was at liberty to anſwer new objections that were made, yet, if thoſe anſwers of his were replied upon, he was not at liberty to ſpeak

A point of order.

Hampden reſtores quiet.

D'Ewes explains uſage of Houſe.

again to thoſe particular points to which he had ſpoken before, by way of mere anſwer to him that did reply upon him. There was, however, no queſtion but that the gentleman on the other ſide who firſt interrupted him, did himſelf break the orders of the Houſe in doing ſo; becauſe it did not then appear whether the gentleman at the Bar would have anſwered any new objection, or would ſimply have ſpoken again to any of thoſe particulars whereto he had formerly ſpoken.

Culpeper in fault, not Pym.

"The diſtinction I gave," continues D'Ewes, "being well approved by the Houſe, and ſome "few having ſpoken after me, the Speaker "directed Mr. Pym to ſpeak again to any "new objection, but not to touch upon any "thing to which he had formerly ſpoken. "And ſo he ſpake again, and anſwered thoſe "new objections Sir John Culpeper had made. "Others ſpake alſo, after him, to the ſaid "Petition in general. Then others moved "that it might be read over again, that ſo "every particular might be debated; which "was at length agreed unto. So the Clerk "read it again, and ſtaid at every clauſe "awhile; and ſo ſome clauſes were ſpoken "againſt, and others were agreed unto without "any oppoſition. In one part of it, we "alleged that the popiſh and malignant party "had corrupted divers of the biſhops with "popery. In another part, that all the biſhops "had exerciſed uſurped authority. Where-"upon it was moved, by one or two, that we "would not make the crimination general "here, but that we would put in the word

"Well moved."

Pym anſwers Culpeper.

Petition read again:

and debated in detail.

" 'divers' as we had done in the former place.
" To which I ſtood up and anſwered, that
D'Ewes attacks biſhops. " though ſome of the biſhops were of themſelves ſo corrupt and bad as they could not
" well be made worſe, yet the word 'divers'
" was neceſſarily added in that clauſe, becauſe
" they were not all ſo: this being but a perſonal crimination. But in the other clauſe,
" the complaint having reference to their prelatical juriſdiction, which was equally exerciſed by them all and defended and maintained by them all, we ſhould as much err
" on the other hand to add the word 'divers'
" in this place, as we ſhould have done to
" omit it in the former place."

Houſe adopt his views. This lucid argument of the correct and learned baronet was doubtleſs very favourably received, for the word ſo much deſired by Hyde and his friends was not allowed to limit the force of the ſentence. But a further ſtand was attempted to be made againſt the uſe of the words "corruptions" and "unneceſſary "ceremonies," in ſpeaking of the neceſſity of abating the immoderate power of the biſhops;

Further objections by Hyde: Hyde urging ſtrongly that ſuch words laid a ſcandal upon the law itſelf, in ſo characterizing a church diſcipline it had eſtabliſhed. His friend Mr. Coventry alſo put another objection, whether, ſeeing the intention was to have

and Mr. Coventry. thoſe particulars in the diſcipline of the church altered by law, it was not quite out of rule to "preoccupate" his Majeſty with it beforehand. Surely, when the new church-regulation acts ſhould have once paſſed both Houſes, then it would be ſeaſonable, and not before, to move

his Majeſty about it. This, however, again called up D'Ewes. He could not admit the force of the objection taken. It was an old, and he thought a wiſe uſage, when the means offered, to move the ſovereign beforehand as to particulars propoſed to be paſſed by act of parliament. For, if the gentleman on the other ſide who laſt preſſed it ("and then I looked "towards Mr. Coventry"), had but had time to peruſe the Parliament Roll de an°. 2do. H. IV. no. 23, he would have found that the ſame courſe was then adviſed upon: to the end that ſo, by knowing the King's inclination beforehand, they might ſave much time in avoiding to treat of particulars which there was no hope of obtaining his aſſent unto. And, holding that if it were ever needful to take that courſe to gain time, it was ſo at this moment, he thought the word "corruption" might very well ſtand. On the whole, however, Pym ſeems to have thought differently; whether or not from ſome feeling of diſtaſte to the logic employed, or to the ſentiments expreſſed, by Sir Simonds: and "corruption"*

Replied to by D'Ewes.

Urges ſtudy of Rolls.

Pym's moderation.

* Nevertheleſs, and notwithſtanding the change of this word, it is remarkable that in the anſwer which the King ſent to the Petition (in which he ſtigmatiſes the Remonſtrance as "unparliamentary," and intimates his ſurpriſe that "our "expreſs intimation by our Comptroller to that purpoſe," ſhould not have reſtrained them from the publiſhing of it till ſuch time as they ſhould have received his anſwer), he quotes, not from the Petition as amended, but from ſome copy of it which he had received in its original form. "Unto that "clauſe," he ſays, "which concerneth Corruptions (as you "ſtyle them), in Religion, in Church Government, and in "Diſcipline, and the removing of ſuch unneceſſary cere-"monies, &c." Again he ſays, "We are very ſorry to hear "in ſuch general terms, Corruption in religion objected, &c."

Unaltered Petition ſent to Court.

having been withdrawn, and "oppreſſion" ſubſtituted, the Petition paſſed.

XXIII. THE KING RECEIVES REMONSTRANCE AND PETITION.

Tueſday, 30th Nov. Petition engroſſed.

IT now remained to preſent the Petition, and with it the Remonſtrance it was deſigned to accompany, to the King; and with this view it was ordered to be engroſſed: direction being given that the Clerk ſhould alſo cauſe two copies of the Remonſtrance itſelf to be fair written, one for his Majeſty to be preſented with the Petition, the other for the Lords; and that the Committee for preſenting it ſhould be named at the next ſitting but one. On Tueſday, the 30th, it was accordingly moved that this committee ſhould conſiſt of twelve members; and the twelve ſelected were, Sir Simonds D'Ewes; Sir Arthur Ingram, member for Kellington; Sir James Thinne, who

Committee named to wait on King.

Secret communication with the King.

Now, in the Petition as publiſhed by the Houſe, it will be found that the clauſe ſtands expreſſly as concerning "Oppreſſions in "Religion, Church Government and Diſcipline," and again as referring to "ſome Oppreſſions and unneceſſary cere- "monies;" bearing out and confirming exactly the narrative given in my text. This clearly exhibits that ſecret communication between the King and his friends in the Houſe which is the ſubject of frequent alluſion by D'Ewes. So, in a ſubſequent debate in reference to the King's complaint of certain expreſſions in one of Pym's publiſhed ſpeeches (on Thurſday 24th March, 1641-2), Sir Edward Bainton, member for Chippenham, who had been one of a deputation to the ſovereign to preſent a meſſage from the Houſe, "ſtated that he had gathered "from ſome expreſſions of his Majeſty that he had ſeen the "ſaid meſſage before they gave it him." For further proofs on this point ſee *Arreſt of the Five Members*, § xxii. The member of the Houſe to whom ſuch unauthoriſed communications with the Court were brought moſt directly home, was undoubtedly Mr. Edward Hyde.

ſat for Wiltſhire; Mr. Henry Bellaſis, and Lord Fairfax (Ferdinando), who both ſat for Yorkſhire; Lord Grey of Groby, member for Leiceſter, Earl Stamford's ſecond ſon, and hereafter to ſit among the regicides; Sir Chriſtopher Wray, who repreſented Great Grimſby, father-in-law of the younger Vane; Sir John Corbet, member for Shropſhire; Sir Richard Wynne, member for Liverpool, who held an office in the King's houſe; and Sir Ralph Hopton, Sir Edward Dering, and Sir Arthur Haſelrig. There was here a liberal apportionment of thoſe who, being known to have oppoſed the Declaration, were leſs likely to be unwelcome to the King; and that the ſame tenderneſs on this point determined Pym to withdraw his own name, which appeared among thoſe firſt ſelected,* hardly admits of a doubt. The ſame deference to the feelings of the Sovereign ſeems alſo to have ſuggeſted a reſolution moved the next morning (when the Committee were in waiting in the Houſe to receive the Petition and Remonſtrance, and repair therewith to Hampton Court) to the effect "that Sir Edward Dering ſhould preſent "and read the Petition unto his Majeſty." The Petition only was to be read, after which the Remonſtrance was to be placed in his hands. Sir Edward Dering, however, probably ſuſpecting that into much conſideration for the King in this matter had entered not a little want of conſideration for himſelf, quietly withdrew from the Houſe while the reſolution

Its members.

Several King's friends.

Pym withdraws his name.

Dering to read petition to King.

* See *Ruſhworth*, vol. i. part iii. 486.

was in hand; and upon diſcovery of his abſence another order had to be ſubſtituted, "that "Sir Ralph Hopton, in the abſence of Sir "Edward Dering, ſhall read the Petition and "preſent that and the Declaration unto his "Majeſty."

Declines, and Hopton choſen.

And ſo, the Speaker calling to Sir Simonds D'Ewes to receive Petition and Remonſtrance, to which Sir Simonds reſponds by advancing from the lower end to the table, making three congees as he moves along, the Committee get poſſeſſion of their important charge, and betake themſelves to Hampton Court.

Thurſday, 2nd Dec. Hopton's report.

The next day, Thurſday the 2nd, Sir Ralph Hopton reported to the Houſe what had paſſed at the interview. With the exception of Sir Edward Dering, all the deputation aſſembled;* and on arrival at the palace, the member for Liverpool, who had familiar entrance therein, having announced them, they had to wait but a quarter of an hour before the King invited them to his chamber. Here they ſank upon the knee, and in this poſture Sir Ralph began to read the Petition. But Charles would not have it ſo; and, making them all riſe, liſtened attentively as Sir Ralph proceeded; until he came to the paſſage charging the malignant party with a deſign to change the eſtabliſhed religion, when his Majeſty ſuddenly interrupted him, exclaiming with a great deal of fervency, "The Devil take him, whom-

Reception by Charles.

Hopton reading Petition.

* D'Ewes has ſubſequent occaſion to refer in his Journal to the Remonſtrance "preſented at Hampton Court by my-"ſelf and ten other members of the Houſe," which ſhows that the only defaulter in attendance, out of the twelve named, was Sir Edward Dering.

" ſoever he be, that hath a deſign to change " our religion!". Then Sir Ralph reſumed; but, juſt after reading the ſentence towards the cloſe about reſerving the diſpoſal of the rebels' lands in Ireland, his Majeſty again broke in and was pleaſed to ſay, " We muſt not diſpoſe " of the Bear's ſkin till the Bear be dead." His Majeſty, in ſhort, was in excellent ſpirits; ſhowed none of his uſual ſhort ſharp ways; and, after they had finiſhed reading the Petition and had placed the Remonſtrance before him, ſeemed entirely diſpoſed to have ſome familiar talk with the Committee. Its object, however, ſpeedily revealed itſelf on his deſiring merely to aſk the worthy members a few queſtions touching this Remonſtrance and the Petition they had read. Royaliſt as he was, Sir Ralph Hopton ſaw the danger, and made reply reſpectfully that they had no commiſſion to ſpeak anything concerning the buſineſs. " Then," the King quickly rejoined, " you " may ſpeak as particular men. Doth the " Houſe intend to *publiſh* this Declaration?" But not ſo were thoſe ancient parliament men to be thrown off their guard; and they anſwered ſimply that they could give no anſwer to it. " Well then," ſaid the King, " I ſuppoſe " you do not expect *me* to anſwer now to ſo " long a Petition. But this let me tell you, I " have left Scotland well, and in peace; they are " all ſatisfied with me, and I with them; and " though I ſtayed longer there than I expected, " yet I think, if I had not gone, you had not " been rid ſo ſoon of the army. And as to " this buſineſs of yours, I ſhall give you an

Interruptions by King.

The Bear and the Bear's ſkin.

Committee queſtioned:

"Do you mean to *publiſh*?"

King's anſwer to Petition.

Cloſe of interview.

"anſwer with as much ſpeed as the weightineſs of the buſineſs will permit." With which he gave them his hand to kiſs; committing them to the entertainment of his comptroller, and the lodgment of his harbinger; both being of the worthieſt. And Sir Ralph craved to conclude his report with faithful repetition of the royal meſſage which, juſt as they were on the point of leaving the palace, was brought to them with requeſt for its immediate delivery to the Houſe of Commons: "*That there might be no publiſhing of the Declaration till the Houſe had received his Majeſty's Anſwer.*"

Meſſage before departure.

The reader will now judge to what extent the facts juſtify Clarendon in ſtating, that, when it was finally reſolved to publiſh the Remonſtrance, this was done in violation of a compact or underſtanding againſt any ſuch ſtep until the King's anſwer was received. On the one ſide there was a ſtrong wiſh expreſſed undoubtedly, but on the other this wiſh was met by neither compact nor underſtanding. If indeed there were any violation in the caſe, it might more fairly be charged upon the King. He told the Committee that he did not at that time deſign to anſwer their Remonſtrance, yet there was hardly an act at this moment contemplated by him, or to which he had ſet his hand ſince his arrival in London, which did not practically expreſs his anſwer. It was in his proclamation for obedience to the laws regulating worſhip; in his order for the diſmiſſal of the City Guard over the Houſes; in his direction that they ſhould in future be

No pledge *not* to publiſh.

Incitements to publication.

guarded by the bands of Weſtminſter and Middleſex, officered by his own ſervants; and in his propoſed removal of Balfour from the command of the Tower. Already he had ended all doubt as to the temper in which he had returned; and many to whom even the voting of the Remonſtrance had appeared of doubtful expediency, now ſaw and admitted the neceſſity of publiſhing it to the people. Manifeſtly had its promoters ſucceeded in its firſt deſign at leaſt; for the challenge it threw down had been promptly taken up. If the King had been ſincere in his former profeſſions of an intention to govern for the future within the limits of the laws he had himſelf aſſented to, there was nothing in the Remonſtrance to defeat that intention; but if he had any other deſire or purpoſe as yet maſked, ſuch was no longer maintainable. He never had a better opportunity than the preſent for betaking himſelf to parliamentary ways of aſſerting his power and prerogatives, but events were ſpeedily to ſhow with what far other views he was now inviting into office two out of thoſe three of the Houſe of Commons (calling alſo into ſecret council the third) who had organiſed and led the new party of his friends within its walls. Something leſs than twelve days are to paſs before the debate which is to put finally before the people the Grand Remonſtrance, and if the wiſh ſtill lingered with Hampden or with Pym to have been ſaved, if poſſible, the neceſſity of that appeal, each day ſupplied its argument againſt ſuch a poſſibility. I will ſelect but a few, from the manuſcript records before

Hoſtile acts againſt Houſe.

King's purpoſe unmaſked.

Hyde and friends invited to office.

me, to ſhow with what reſiſtleſs march, as day followed day, the criſis came on.

§ XXIV. RETALIATION AND REVENGE.

Tamperings with command of Tower.

The rumoured removal of Balfour from the command of the Tower was the firſt direct challenge to the Houſe. Balfour ſtood high in their confidence for his unſhaken fidelity in preventing the eſcape of Strafford, whereas Clarendon himſelf admits * that Lunsford, ſelected to replace him, was a man of no education, of ill character, and of decayed and deſperate fortune, who had been obliged, but a few years before, to avoid by flight into France the penalty of puniſhment for a grave miſdemeanour. Such indeed was the feeling in the City aroufed by his appointment when, in leſs than three weeks from this time, it actually took place, that under the preſſure of very alarming indications of riot, the King had to withdraw it. Even already, a certain uneaſy feeling in the City connected itſelf with a ſenſe of the inſecurity of the Tower; and the report of Balfour's removal led to ſome tumultuous

Popular commotion.

Preparing for act of violence.

* Though of courſe, as with all the acts of the King which had immediately diſaſtrous iſſue, he makes Lord Digby the ſcapegoat, and charges the ill counſel upon him. *Hiſt.* ii. 123. The King's object, as Clarendon frankly admits, was, that having now ſome ſecret reaſon to fill the place with a man who might be truſted, he ſelected Lunsford as one who would be faithful to him for this obligation, and execute anything he ſhould deſire or direct. In other words, as is remarked by Warburton (vii. 547), who puts in plain ſpeech Clarendon's laboured periphraſis, "*to keep the Five Members "ſafe whom it was determined to arreſt.*" This ſubject is treated in detail in my *Arreſt of the Five Members.*

gatherings on the Monday after the King's return, and ſpread great alarm among the well-affected.

That was on the 29th of November. On the morning of that ſame day, the new Guard to the Houſes was ſent under the command of Lord Dorſet by the King, by way of reply to the reaſons drawn up by Pym* and preſented in the name of both Houſes; and before the day had cloſed, ſwords were drawn and muſkets fired upon the people.† It was thus faſt coming to an iſſue outſide the walls of parliament, upon the ſuggeſtion or incitement of the ſovereign; invitations were going out to the people, to throw on either ſide their weight into the ſcale; and ſoon perforce the queſtion muſt ariſe, to which of the contending parties that power would moſt freely lend itſelf, to uphold monarchical pretenſion, or to ſtrengthen and eſtabliſh parliamentary privilege.

New King's Guard.

People fired upon.

On the morning of the 30th of November, Pym, Hampden, and Hollis went up to the Lords with a meſſage for the diſcharge of the trained-bands which the King had ſo ſubſtituted for their own. As Clarendon puts it, "ſince they could not have ſuch a guard as "pleaſed them, they would have none at all."‡ And ſo, the Peers conſenting, Lord Dorſet and his followers were diſmiſſed; the Commons

30th Nov. A.M. Houſes diſmiſs King's Guard.

* See *ante*, p. 357-8.

† "The Earl of Dorſet's indiſcreet raſhneſs this day," writes D'Ewes, on the 29th, "might have occaſioned the "ſhedding of much blood—he commanded ſome of the "guard to give fire upon ſome of the citizens of London in "the Court of Requeſts or near it." Lord Dorſet.

‡ *Hiſt.* ii. 86.

Ominous precaution.

at the ſame time declaring that it ſhould be lawful, in the abſence of a Guard duly appointed, for every member to bring his own ſervants to attend at the door, armed with ſuch weapons as they thought fit.* No needleſs or unprovoked precaution; for the danger, and the direction it would take, were now not diſtantly revealing themſelves. What ſecretly was already reſolved upon could not much longer be concealed. As Selden wittily puts it in his Table Talk (and a calmer or leſs partial witneſs of the events now rapidly moving to their iſſue could not be named), "the King was "uſing the Houſe of Commons in Mr. Pym "and his company, that is, charging *them* with "treaſon becauſe they charged my lord of "Canterbury and Sir George Ratcliffe, with "juſt as much logic as the boy that would have "lain with his grandmother uſed to his father: "You lay with my mother, why ſhould not I "lie with yours?" † Thus early were people talking of his purpoſe, almoſt openly. On this very day (the 30th), when the Commons diſmiſſed Lord Dorſet and his band, D'Ewes tells us "upon Mr. Pury's motion, that "one William Chillingworth, doctor of divi-"nity, had ſaid that ſome members of this

The end approaching.

Witty remark by Selden.

Commons' Journals: 30th Nov.

* Such is Clarendon's account (*Hiſt.* ii. 86), but the notice in the journals ſimply ſays: "Ordered that the Guard ſhall "be diſmiſſed; and that Mr. Glyn and Mr. Wheeler do "require the High Conſtable of Weſtminſter to provide a "ſtrong and ſufficient watch in their ſteads."

† *Table Talk*, p. 96. The ſubſtitution of Ratcliffe for Strafford, in this report by Selden of the plea or pretence of the Court party, is highly characteriſtic. Strafford could not in decency be put forward, with ſo many who had perſecuted him to the death now ranged on the ſide of the King.

" Houſe were guilty of treaſon, and that they " ſhould be accuſed within a day or two, it was " ordered that the ſerjeant's deputy ſhould " bring him forthwith to the Houſe, and if he " ſhould refuſe to come, then to apprehend " him as a delinquent, and bring him." So rapidly were the liſts cloſing up on both ſides, and ſo narrowed the opportunities on either for eſcaping a fatal iſſue. Doctor Chillingworth's diſcloſure.

§ xxv. Alleged Intimidation of Parliament.

The next move in the perilous game was made by Hyde and his party, bent upon effecting ſome diverſion from the ſuſpicions and agitations let looſe by Doctor Chillingworth's diſcloſure, and to whom the popular riot of Monday offered good pretence for complaint of ſuch preſſure and coercion as " conſiſted " not with the freedom of parliament." In that expreſſion their whole policy revealed itſelf; its entire aim and end lay there; and, in the ſame temper which had now ſupplied the occaſion, it was eagerly followed up. It is not, I think, poſſible to doubt, that, from the day when Charles had left for Scotland in the autumn, his cheriſhed and ſteadily purſued purpoſe was to find ground for revoking whatever had been done that was unpalatable to him during the paſt year; and ſuch ground would be furniſhed by the pretence that parliament had not been free, but that coercion had been put upon it by certain leading members, by whom penalties of treaſon to the State had Hyde's plot. Parliament "not free." King's plea of coercion.

otherwiſe alſo been incurred. Every act of himſelf or his partizans, therefore, aſſumed now that ſpecific form and direction. The caſe of the proteſters againſt the Grand Remonſtrance he took where they left it, and made his own. Not they who paſſed it, but they who proteſted againſt it, were his faithful Commons. But they were under a tyranny both within and without the Houſe which prevented fair expreſſion of opinion.

Minority againſt Majority.

On the return of the leaders to their ſeats after removal of Lord Dorſet's men, in the afternoon of the 30th of November, Hyde roſe, and craving leave to advert again to the incident of the Guard, taxed the London citizens and apprentices with having come on the previous day armed with ſwords and ſtaves to Weſtminſter, ſpecially to overawe particular members from voting as they wiſhed. He was interrupted by the demand for inſtances; upon which Sir John Strangways ſaid aſide to thoſe who ſat near him, that he could extinguiſh ſome loud talkers and interrupters in that Houſe perhaps, were he to tell what he knew. "Tell "it, then," was the cry of one who overheard him; and the member for Weymouth roſe, nothing loath. He wiſhed Mr. Speaker to inform him whether the privilege of parliament was not utterly broken if men might not come in ſafely to give their votes freely? Well, then, he muſt tell them that he had received information of a plot or conſpiracy for the deſtruction of ſome of the members of that Houſe, which he conceived to be little leſs than treaſon; and he had moreover grounds

30th Nov P.M. Charge againſt citizens.

Charge againſt members.

Shall we not give votes freely?

to believe that ſome other of the members of that Houſe were either contrivers of it, or had conſented to it; and he therefore deſired that the Lord Falkland, Sir John Culpeper, and ſome three others, might be appointed a ſelect committee to examine the matter. Upon which not very impartial propoſal aroſe, not unnaturally, great murmurs; ending in a peremptory order that Sir John ſhould preſently declare the whole matter in particulars, and not lay ſuſpicion and charge indiſcriminately upon members of the Houſe. Authority for the ſtatement was handed in accordingly; and proved to be to the effect* that a certain "luſty young man," a haberdaſher's apprentice in Diſtaff Lane, had boaſted to certain parties of having been one among a thouſand or ſo, who with ſwords and ſtaves had betaken themſelves to Weſtminſter Palace Yard; his maſter, who was a conſtable, having given him a ſword and ordered him to go; in fact, that ſome parlia-

Strangways aſks for committee.

Is required to ſtate complaint.

Story of an apprentice.

* I furniſh theſe curious details from the Journal ſo often referred to; the paper produced by Strangways being entitled "A brief of the Diſcourſe had between one Cole, an apprentice to Mr. Mansfield, an haberdaſher in Diſtaff Lane, and one John Nicholſon, DD, in the preſence of Stephen Tirrett, uncle to the ſaid Cole, and John Derivale, both Chelmsford men." The Rev. Doctor is the informant, and appears to have been ſitting converſing with the ſaid Tirrett and Derivale, probably on theological ſubjects, "in his lodgings in Gracious [Gracechurch] Street, between nine and ten of the clock," when that very reſpectable lad, Stephen, came in ſomewhat elatedly to tell his uncle the news above mentioned. Mr. Kirton's reſpectable citizen, on the other hand, whoſe man came to him when he was ſmoking with his friend Mr. Farlow of Wood Street, was one Mr. Lavender; and the witneſſes who ſigned the relation averred that when Mr. Lavender heard what his man told him, he inſtantly departed, "and the reſt of the company were much troubled."

D'Ewes's MS.

A ſcene in "Gracious" Street.

Some members to be overawed by others.

ment men had ſent for them; and that the intent of their going was becauſe of news of ſome certain diviſion among the members of the lower Houſe, in which the beſt-affected party, whom they were to aſſiſt, were likely to be overborne by the others; but that finding all quiet, and both ſides agreeing well together, they had come home again.

"Name! "Name!"

Yes, well, and is this all? became the cry when Sir John Strangways' relation was ended. Where, then, is the evidence againſt members of this Houſe, and *who are* the members impugned? "That *I* can anſwer," cried an active partizan of Hyde's, Mr. Kirton, the member for Milborn Port; who thereupon handed in a further piece of evidence, to the effect that a worthy London citizen, being in Wood Street taking tobacco with ſome friends on the day in queſtion, there came his man to him and brought him word that a meſſage was arrived from Captain Ven (member for London, he who afterwards ſat on the trial of the King) to deſire him to come away ſpeedily armed to the Houſe of Commons, for ſwords were there drawn, and the well-affected party was like to be overborne by the others. During the reading of this paper, Captain Ven came into his place, and would at the moment have anſwered to it; but the Houſe thought it not fit till ſomewhat were proved, and, as to the preceding relation, conceived that Sir John Strangways had conſiderably overſtated himſelf, and had ventured upon an accuſation which his information in no reſpect warranted. On which Pym, riſing with unuſual gravity of

Kirton names Ven.

Houſe prevents Ven's anſwer.

manner, put this very ſignificant queſtion to Mr. Speaker: "Whether, though the worthy "member had failed to prove his charge of "a conſpiracy, either contrived or conſented "to by members unnamed, for the deſtruc- "tion of other members more plainly referred "to, he had yet not ſucceeded in proving very "fully, that there WAS *a conſpiracy by ſome* "*members of this Houſe to accuſe other members* "*of the ſame of Treaſon?*" Pym's queſtion to Mr. Speaker.

On the ſecond of December, and on the third, the ſubject of theſe out-of-door demonſtrations continued ſtill under debate. Edmund Waller inveighed much againſt the Londoners for coming to Weſtminſter in ſo tumultuous a manner and crying openly, No Biſhops! No Biſhops! and boldly juſtified the Earl of Dorſet in the courſe he had taken, ſaying he had done nothing but what he was neceſſitated unto. Strode took the other ſide as warmly, declaring that the citizens had *not* come in any tumultuous or unlawful manner. Culpeper anſwered him, and in rough overbearing ſpeech reiterated the charge that there had been a very unjuſtifiable tumult. To him ſucceeded D'Ewes, who declared himſelf of Mr. Strode's opinion, and that it was matter for grave inquiry that the Lord Dorſet ſhould have adviſed his muſqueteers to ſhoot the citizens, and his pikemen to run them through, when they came ſimply, with all affection and faithfulneſs to the Houſe, to attend the iſſue of their petitions to the high court of Parliament. Whereupon again ſtarted up Sir John Culpeper, ſpeaking to order, and calling upon Sir Simonds 2nd & 3d Dec. Debates on popular gatherings. Waller, Strode, and Culpeper. D'Ewes defends the citizens. Culpeper interrupts.

D'Ewes to explain what he meant by talking of—— But then Sir Walter Earle roſe to order from the other ſide, and ſaid that no individual had the right, except with authority of the whole Houſe, to take exceptions to what had fallen from any member. Culpeper hereon reſumed his ſeat, and D'Ewes himſelf was heard to the point of order. He ſimply deſired the gentleman on the other ſide of the way might be allowed to ſpeak, and to name the words he would except againſt. On which Culpeper ſtood up again and ſaid, more mildly, that what he intended to have remarked was out of a great deal of reſpect to the worthy member who had juſt ſpoken, well knowing he had no ill intention, whatever words might ſlip from him. But, what did he mean by mentioning the citizens' "loyalty" to that Houſe? Was loyalty due, and to be paid, there or elſewhere? "Which very words," interpoſes D'Ewes in his Journal, "I either certainly ſpake not at "all, or not in one common clauſe together." (In his own report, in the ſame manuſcript record, the words are "affection and faithful-"neſs," not loyalty.) "Wherefore I ſtood up "myſelf, not one man calling on me, to ex-"plain; and I ſaid 'For the words themſelves, "'I do not remember that I ſpake them, "'and for that I appeal to the whole Houſe' "(upon which there followed a great ſilence, "and I did not hear one man ſecond Sir John "Culpeper's charge). 'But if I had ſpoken "'the words, I conceive that gentleman would "'take no exception to them if he will but "'peruſe Littleton in his chapter of Homage,

Earle and D'Ewes to order.

Culpeper explains.

D'Ewes replies.

Houſe ſupports D'Ewes.

" ' where he will find that one ſubject may owe
" ' loyalty to another without breach of his
" ' loyalty to the King.' Whereupon the Culpeper
" Houſe reſted ſatisfied. Sir John Culpeper ſilenced.
" ſat ſilent; and many laughed at the imperti-
" nence of his exception, hearing how fully I
" had anſwered him upon the ſudden. In
" which," adds the good Sir Simonds in
parentheſis, " I did very much acknowledge
" God's aſſiſtance in furniſhing me with ſo apt
" and preſent a reply."

The temper of the Majority of the Houſe, Pym's
in cloſe juxtapoſition and contraſt with that of motion
its Minority of royaliſt oppoſition, appears in againſt upper
theſe curious and valuable records; and ſtill Houſe.
more unmiſtakeably was it ſhown in the after-
noon of that ſame 3d of December, when Pym
roſe and called attention to the ſtoppage of all
legiſlative buſineſs by the rejection of, or refuſal
of the Lords to proceed with, various bills that Stoppage
had been ſent to the upper Houſe. He moved of uſeful
for a committee to review what bills the Com- Bills.
mons had paſſed and the Lords had rejected,
and the reaſons why; and, if the Lords would
not join with them,* then let them go to the

* It was but a few weeks after this that Pym ſummed up theſe and ſimilar obſtructions made by the Lords, at a conference with that Houſe, and cloſed his ſpeech in theſe very memorable words: Obſtructions in upper Houſe.

" We have often ſuffered under the miſinterpretation of
" good actions, and falſe imputation of evil ones which we
" never intended; ſo that we may juſtly purge ourſelves from
" all guilt of being authors of this jealouſy and miſunder-
" ſtanding. We have been, and are ſtill, ready to ſerve his
" Majeſty with our lives and fortunes, with as much cheer-
" fulneſs and earneſtneſs of affection as ever any ſubjects
" were; and we doubt not but our proceedings will ſo mani-

King; having firſt put their Declaration before the people, which would enable *them* to ſee where the obſtructions lay. "We may have "our part in the miſery occaſioned," he ſaid, "let us be careful that we have no part in the "guilt or the diſhonour." He further threw out the ſuggeſtion, that, ſince the Lords poſſeſſed the undoubted right to proteſt in their individual capacity, and were not conſtitutionally involved by the major part, it would be well that they ſhould take thoſe proteſting Lords with them, and repreſent jointly to the King the cauſes of obſtruction. A propoſal which called forth inſtantly a retort from the quarter where Hyde's party ſat; for, up ſprang Mr. Francis Godolphin, Edmund Waller's colleague in the repreſentation of St. Ives, and aſked Mr. Speaker to inform him, whether, if the majority of that Houſe went to the King with the leſſer part of the Lords, "*the greater* "*part of the Lords might not go to the King*

Will minority of Lords join majority of Commons in a proteſt.

Counter propoſition by Godolphin.

Pym's appeal to Lords:

"feſt this, that we ſhall be as clear in the apprehenſion of the "world, as we are in the teſtimony of our own conſciences. "I am now come to a concluſion. I have nothing to pro- "pound to your Lordſhips by way of requeſt or deſire from "the Houſe of Commons. I doubt not but your judgments "will tell you what is to be done: your conſciences, your "honours, your intereſts, will call upon you for the doing of "it. The Commons will be glad to have your concurrence "and help in ſaving of the kingdom; but if they fail in it, "it ſhall not diſcourage them in doing their duty. And "whether the kingdom be loſt or ſaved, (but I hope, through "God's bleſſing, it will be ſaved!) they ſhall be ſorry that "the ſtory of this preſent parliament ſhould tell poſterity, "that in ſo great a danger and extremity the Houſe of Com- "mons ſhould be enforced to ſave the kingdom alone, and "that the Peers ſhould have no part in the honour of the "preſervation of it; having ſo great an intereſt in the good "ſucceſs of thoſe endeavours, in reſpect of their great eſtates, "and high degrees of nobility."

Do not leave us to ſave the country alone.

"*with the leſſer part of us.*" Mr. Godolphin's ſuggeſtion was ſtartling, and he was reprimanded and had to make due ſubmiſſion for it;* but nothing could more perfectly have revealed all that at this time filled the minds and hopes of the King and his friends. If the right blow could only be aimed, at the right time, againſt the leaders of the Commons, the way to its accompliſhment ſeemed not remote. And what view Lenthal himſelf, the Speaker of the Commons, ſeems now to have been diſpoſed to take, as between King and Parliament, of the ſide to which victory was likely to incline, is expreſſed by a ſervile letter he wrote privately on this very third of December to the King's new Secretary of State, Sir Edward Nicholas, praying to be relieved of the too onerous dignity of the Chair, and to be ſuffered to become, once more, the meaneſt ſubject of the beſt of ſovereigns.†

Hopes of Court party.

Views of Mr. Speaker.

That was on Friday, the day of Godolphin's ſtartling propoſal to piece out the minority of the Commons by a majority in the Lords. On Monday the 6th, Cromwell brought forward a

Monday, 6th Dec. Cromwell

* "Ordered that on Tueſday next the Houſe ſhall take into "conſideration the offence now given by words ſpoken by "Mr. Godolphin." The offence is not further ſpecified. On the Tueſday named, an order appears "that the Houſe "do take into conſideration, on Thurſday next, ſuch words "ſpoken by members of this Houſe, to which formerly ex-"ception hath been taken." Alas! however, on the Thurſday named (the 16th), occurred the King's great breach of privilege in taking notice of a Bill while in progreſs; and the matter was again deferred. I have not cared to purſue it further. *Commons' Journals*: 3rd Dec. and 7th Dec.

† See *Arreſt of the Five Members*, § iii. I have ſince found, however, that Nalſon had anticipated me in printing (*Collections*, ii. 713), alſo from the State Paper Office, this letter of Lenthal,

on breach of privilege.

caſe of interference by a peer with Houſe of Commons privileges, which had no tendency to abate the prevailing excitement. He charged Lord Arundel with having ſought unduly to influence and intimidate burgeſſes of the borough of Arundel in regard to new elections. This appears to have raiſed an animated debate, in the courſe of which a doctrine laid down by Hyde and Culpeper, to the effect that Lords *might* "write commendatory letters" during the progress of an election, was ſomewhat roughly handled. But Tueſday the 7th ſaw a ſtill more ſtartling propoſition launched from the other ſide; a propoſition ſo notable indeed, that Clarendon in his Hiſtory is diſpoſed to ſingle it out, and ſet it apart, as the ſole cauſe and ground of all the miſchiefs which enſued.

Peers' interference with elections.

Tueſday, 7th Dec.

Nevertheleſs it will probably ſeem to us, after watching the courſe of events immediately before and ſince the return of the King, but as an advance or ſtep onward, hardly avoidable, in the hazardous path which had been entered. The neceſſity of greatly increaſing the forces of the realm was not more obvious, than the danger of entruſting to an executive in whom no confidence was placed, the uncontrolled power of diſpoſing thoſe forces. The diſaffected ſpirit of the army, as now officered, and in the midſt of a frightful rebellion raging in one of the three kingdoms, was no longer matter of doubt. Irrefragable proofs of the ſecond army plot had been completed; and reſolutions were at this time prepared, to take effect on the day after that to which my narrative has arrived, diſabling four of thoſe officers (men high in the

A ſtartling propoſal.

King's confidence and to whom he afterwards gave peerages) from their seats in the lower House, as guilty of misprision of treason, by name Wilmot, Pollard, Ashburnham, and Percy, members for Tamworth, Beeralston, Ludgershall (Wilts), and Northumberland. The distrust felt by the Commons on the King's removal of their Guard, and the resolutions as to the defence of the kingdom which they passed on that troubled Saturday after his return, receive only their full explanation from keeping such facts in view; and they led, almost unavoidably, to the more momentous step now waiting to be detailed.

Dangers from army intrigues.

Distrust of the King.

§ xxvi. An Ominous Proposal.

On Tuesday, the 7th of December, Sir Arthur Haselrig rose in his usual place in the gallery of the House, and presented a Bill for settling the Militia of the kingdom by sea and land, under a Lord General and a High Admiral, to whom it gave great powers to raise and levy forces. It was styled An Act for the making of (Blank) Lord General of all the forces within the kingdom of England and dominion of Wales, and (Blank) Lord High Admiral of England. Clarendon says that this bill had been privately prepared by the King's solicitor, St. John; and that his influence as a lawyer, on his declaring the existing law to have been so unsettled by disabling votes of the two Houses that a special enactment was become absolutely necessary, mainly led to the bill being permitted to be read. But, while his statements here are to be taken with even more

Tuesday, 7th Dec. Bill presented by Haselrig:

for settling the Militia.

Account in the D'Ewes MS.

than the uſual caution, it is to be remarked that D'Ewes, though he ſays nothing abſolutely inconſiſtent therewith, does not expreſſly confirm them; and D'Ewes's account, of which I proceed to give an abſtract from his manuſcript, is the only other on record, ſo far as I am aware, of this memorable debate.

Bill angrily received.

Haſelrig had ſcarcely named the proviſions of the bill, when a great many members cried, "Away with it!" and others, that they ſhould "Caſt it out!" Sir John Culpeper ſtarted up on the inſtant of Haſelrig's reſuming his ſeat; and, after wondering that the gentleman in the gallery ſhould bring in ſuch a bill,

Culpeper moves its rejection.

moved that it be at once rejected. Sir Thomas Barrington, though he had voted with the majority in all the Remonſtrance debates, regretted that he could not ſupport the particular meaſure, and wiſhed it might be thrown

Barrington againſt:

out; but he thought another leſs objectionable ſhould be brought in with ſimilar deſign. Strode "and others" ſpoke for it ſtrongly; and then D'Ewes himſelf roſe and made a

Strode and D'Ewes for.

lengthy ſpeech in its favour, duly ſelf-reported, but with which the reader need not be troubled. Divers followed him, ſpeaking on either ſide, ſome for, and others againſt the bill, and many uſing violent expreſſions againſt it. Mr.

Cook cites precedent againſt.

Thomas Cook, for example, the member for Leiceſter, declared that one Hexey in Richard the Second's time, for introducing, in the twentieth year of that reign, a bill againſt the King's prerogative of far leſs conſequence than this, had been condemned as a traitor. Nor did Mr. Mallory, the member for Ripon,

ſpeak leſs violently on the ſame ſide. He denounced the bill as fit to be burned in Weſtminſter Palace Yard, and the gentleman who brought it in as deſerving to be queſtioned. On the other hand, ſeveral roſe and excepted againſt Mr. Mallory's ſpeech, as rather thinking *it* more worthy to be queſtioned; but thereupon Strode got up and remarked that he thought Mr. Mallory's ſpeech in ſome ſort excuſable, as having been occaſioned by the ſpeech of a gentleman that ſat near him (alluding to Mr. Cook), who had once before cited in that Houſe a highly dangerous precedent. Great cries of aſſent followed this remark, and many roſe in ſucceſſion to enforce it, until, in ſpite of diſſentients, Mr. Cook was called up to explain. But, what he ſaid not ſatisfying the Houſe, he was ordered to withdraw, while ſome would have had his further attendance ſuſpended. Meanwhile a ſudden thought had occurred to D'Ewes, which he had immediately proceeded to execute. "During this debate," he ſays, "I retired "out of the Houſe to my lodging in Goats-"alley, near the Palace, and there ſearched "out the precedent. On my return, I ſaid "that the gentleman now withdrawn was a "young man, and a man of hope, and there-"fore I deſired that he be not too much dis-"heartened. I thought him more puniſhable "for mis-reciting than for citing precedents. "The precedent in queſtion was not againſt "the King's prerogative, but againſt the "exceſſive expenſes of the King's houſehold; "and though Hexey was ſentenced, he was

Mallory would have bill burnt.

Cook called up:

ordered to withdraw.

Had miſquoted precedent.

D'Ewes expoſes

and laughs at him. "afterwards cleared by Parliament. There-
"fore the greateſt cenſure I would have laid
"upon this gentleman is, that he would cite
"no more records till he ſhall have ſtudied
"them better. At which divers of the Houſe
"laughed;" and Cook having been called in,
Cook admoniſhed. and admoniſhed by Mr. Speaker,* Haſelrig's bill paſſed to a diviſion. Sir John Culpeper and Sir Frederick Cornwallis were tellers for the Yeas, which were 125, to reject it; and Denzil Hollis and Sir William Armyn, member for Grantham, for the majority of 158 in its favour: and the bill was read a firſt time.

Bill read a firſt time: 158 to 125.

And now let me append to this truſtworthy account, taken from the notes of a member preſent while the debate was in progreſs, the narrative of the ſame incident as related by Clarendon. Perhaps no more remarkable warning could be given of the ſcrupulous care with which his *Hiſtory* ſhould be read, and of

Same incident:

Commons' Journals. ii. 334.

* The only notices hitherto given of this incident appear in the *Journals* and in Verney's *Notes*. "Some exceptions "were taken to Mr. Coke for the miſalleging of precedents; "and after he had explained himſelf, he was, according to "the order of the Houſe, commanded to withdraw. Reſolved "upon the queſtion, That Mr. Coke ſhall be called down, "and in his place, have an admonition for the words that fell "from him. The Speaker told him in his place that he was "commanded to admoniſh him, that he ſhould take a care "hereafter, how he did allege or apply precedents in this "Houſe." Verney ſays in his *Notes*: "Sir Arthur Haſelrig "did bring in a bill to diſpoſe all the Militia of England "into two generals for life. This bill was thought fit by "ſome to be rejected, and Mr. Thomas Cook ſaid, it was in "his judgment worſe than the bill brought in by Hexam in "Richard the Second's time, by which he was accuſed of "high treaſon. For this ſpeech he was queſtioned and taxed, "for citing but half the precedent, for Hexam was afterwards "cleared by parliament. For this offence he received an "admonition in his place, by the Speaker."

Verney's *Notes*, p. 132.

the danger of truſting to its ſtatements even where there is no ſuſpicion of bad faith, than is afforded by the manner in which he recounts the firſt introduction of this Bill for putting the power of the Militia ſubſtantially into the hands of the Houſe of Commons. told with ſtrange variations.

In his Fourth Book, ſpeaking of the exact period to which reference already has been made, he ſays that there was "at this time, or thereabout," a debate ſtarted in the Houſe, as if by mere chance, which produced many inconveniences thereafter, and indeed, if there had not been too many concurrent cauſes, might be thought the ſole cauſe and ground of all the miſchiefs which enſued. And then he deſcribes "an obſcure "member" moving unexpectedly "that the "Houſe would enter upon the conſideration "whether the Militia of the kingdom was ſo "ſettled by law that a ſudden force, or army, "could be drawn together for the defence of "the kingdom, if it ſhould be invaded, or to "ſuppreſs an inſurrection or rebellion, if it "ſhould be attempted." He goes on to ſay that the Houſe kept a long ſilence after the motion, the newneſs of it amazing (until the edition of 1826, this word had been printed "amuſing") moſt men, and few in truth underſtanding the meaning of it; until ſundry other members, not among the leading men, appeared to be ſo moved by the weight of what had been ſaid, that it grew to the propoſition of a committee for preparing ſuch a bill, whereupon Mr. Hyde ſo ſtrongly oppoſed it as encroaching on the royal prerogative, that the Clarendon's *Hiſt.* ii. 76-80. Motion made as to militia: how treated.

Houſe appeared ſatisfied to take up another ſubject: when the King's Solicitor, St. John, "and the only man in the Houſe of his "learned council," got up and diſputed Mr. Hyde's law, obſerving that the queſtion was not about taking away power from the King (which it was his duty always to oppoſe), but to inquire if the ſufficient and neceſſary power exiſted at all. This he regretted to ſay he did not believe, ſupporting his opinion by the many adverſe votes which that Houſe had paſſed againſt the ordinary modes of levy in the King's name, by means of commiſſions to Lord Lieutenants and their ſubordinates; and the reſult of his diſplay of learning was, that in the end he was himſelf requeſted to introduce ſuch a bill, which, within a few days after, was actually brought in, enacting "that henceforward the Militia, and all the powers thereof, "ſhould be veſted in ——;" and then a large blank was left for inſerting names, in which blank, the Solicitor urged, they might for aught he knew inſert the King's, and he hoped it would be ſo. This bill, Clarendon concludes, not withſtanding all oppoſition, was read, "they who had contrived it being well "enough contented that it was once read; "not deſiring to proſecute it, till ſome more "favourable conjuncture ſhould be offered; "and ſo it reſted."

Hyde replied to by Solicitor-General.

St. John brings in a bill.

Clarendon *Hiſt.* i. 486.

Now, having proceeded ſo far, let the reader turn back to the Third Book of the ſame Hiſtory, and he will there find that the ſame hiſtorian, profeſſing to ſpeak of the period immediately before the King's departure for Scot-

land, antedates the whole of the tranſaction juſt deſcribed; and narrates quite differently, and as though impelled by motives and inducements altogether different, events preciſely the ſame. His object now is to ſhow that the leaders of the Houſe were anxious to prevent the King's departure by warning him that he was leaving affairs in a dangerouſly unſettled ſtate, and without ſufficient powers inherent in the laws and conſtitution to meet the danger. "And "therefore," he continues, "one day Sir Ar- "thur Haſelrig (who, as was ſaid before, was "uſed by the leading men, like the dove out "of the ark, to try what footing there was) "preferred a bill for the ſettling the Militia of "the kingdom both by ſea and land in ſuch "perſons as they ſhould nominate." He adds that there were in the bill no names, but blanks to receive them, when the matter ſhould be paſſed; and that when the mere title of the bill was read, it gave ſo general an offence to the Houſe that they ſeemed inclined to throw it out, without ſuffering it to be read: not without ſome reproach, to the perſon that brought it in, "as a matter of ſedition:" till Mr. St. John, the King's Solicitor, roſe up and ſpake to it, and ("having in truth himſelf "drawn the bill") defended its proviſions, declaring his belief as a lawyer, that the power it propoſed to ſettle was not yet by law veſted in any perſon or in the Crown itſelf, the Houſe by their votes having blaſted the former modes of proceeding by the ordinary royal commiſſions to Lord Lieutenants and their deputies; that ſuch a bill therefore was neceſſary; and

Same incident again told.

Quite different account of ſame facts.

Bill brought in by Haſelrig:

drawn by St. John:

who defends

and explains it. that for the nomination of perſons under it, this was a matter not requiring to be ſettled on the reading of the bill, for if it ſeemed too great for any ſubject it might be devolved upon the Crown. "Upon which diſcourſe," Clarendon concludes, "by a perſon of the "King's ſworn council, the bill was read; "but with ſo univerſal a diſlike, that it was "never called upon the ſecond time, but ſlept, "till, long after, the matter of it was digeſted "in ordinances."*

Never read ſecond time.

Great of courſe has been the confuſion, to readers, conſequent on theſe two verſions of the ſame incident, dated at different times, and having objects quite diſſimilar; and it has been further increaſed by a ſtatement of Nalſon's,† that Haſelrig's bill was rejected indignantly on its introduction, by a majority of 158 to 105. But the one point on which Clarendon is not inaccurate is, in affirming, in both narratives, that the bill *was* read. The error in this reſpect has ariſen from a too haſty reading of the Journals,‡ where the Yeas at the diviſion appear undoubtedly as 125 (not 105), and the Noes as 158; but it has been overlooked that the diviſion was taken not on the queſtion whether the bill ſhould be read, but whether it ſhould be rejected. The names of the tellers are quite deciſive, Culpeper and Cornwallis being for the Yeas, and Denzil Hollis and Sir W^m^. Armyn (member for Grantham, and afterwards a king's judge) for the Noes. Even that generally accurate and

Alleged rejection.

Error as to firſt reading.

Carried by 158 to 125.

* *Hiſt.* i. 486-8. † Nalſon's *Collections*, ii. 719.
‡ *Commons' Journals*, ii. 334.

reliable writer, Mr. Bruce, has fallen into error on this point,* and ſuppoſes the bill to have been rejected. Mr. Hallam alſo has been led into ſome confuſion† from not examining Clarendon's text with ſufficient minuteneſs. I take the opportunity of adding that Nalſon's *Collections*, which, by ſome extraordinary chance in the fortunes of books, has been too commonly accepted as an authority on theſe times, is an utterly untruſtworthy gathering of the moſt violent party pamphlets and libels, got together towards the cloſe of Charles the Second's reign for the ſpecial delectation of his Majeſty and as an antidote to Ruſhworth, by a compiler who had himſelf no perſonal knowledge of the men or the events, over which he exerciſed an unlimited right of the groſſeſt abuſe and moſt unwearied miſrepreſentation.

Miſtakes and confuſion.

Hiſtorians miſled.

Nalſon no authority.

§ XXVII. The City Petition.

On the day following Haſelrig's introduction of the Militia Bill, Wedneſday the 8th, Geoffrey Palmer made his ſubmiſſion and was releaſed from the Tower. The day following, the expulſion of the officers convicted of complicity in the ſecond army-plot took place; and on the morning after, Friday the 10th of December,‡ the members were ſtartled, on

Wedneſday, 8th Dec.

Friday, 10th:

* See Verney's *Notes*, p. 132. † *Conſt. Hiſt.* ii. 128, 9.

‡ On the ſame morning I find a point of order and reverence ſettled by Mr. Denzil Hollis. "On Mr. Hollis' motion," ſays D'Ewes's Manuſcript, "it was declared the ancient order

Points of

New Guard on Houſes.

coming to take their ſeats, to find a new Guard of Halberdiers ſet upon the doors. A debate upon the report as to the Public Debt handed in by Sir John Hotham the previous day, and upon the immediate neceſſity of raiſing men and money for the requirements of the Iriſh Rebellion, was in progreſs, when Sir Philip Stapleton ſtood up and called attention to the fact that there was a new Guard ſet upon the Houſe of two hundred men with halberts.

Agitation thereat.

Much agitation enſued upon this, the buſineſs immediately in hand was dropped, and ſome fear and trouble found expreſſion. Upon particular inquiry it was diſcovered, that the plea for ſuch new ſhow or threatening of force was a report which had gone abroad of a great Petition coming from the City againſt the Biſhops'

By whom placed.

votes, and againſt the obſtruction by the Lords of other matters whereof the ſettlement was much to be deſired, which Petition, accompanied by large numbers of citizens, was to be preſented the following day. "Then we were "informed," ſays D'Ewes, "from ſeveral "hands, that the original ground of thoſe men "aſſembling was upon a writ from the Lord

Writ from Lord Keeper.

"Keeper pretended to be warranted by the "ſtatute of Northampton (13 Henry IV.) for "the better ſuppreſſing of Routs and Riots:" in obedience to which writ the under-ſheriff and magiſtrates of Middleſex had iſſued order

form and order.

"of the Houſe that when men came in and went out of the "Houſe, they ought to make three reverences; and that if "any were ſpeaking on the lower form, they ought to go "about, and not to come up towards the table"—interrupting honorable ſpeakers!

for the placing of the Halberdiers. The matter was debated with unuſual gravity and earneſtneſs; and, upon the motion of Pym, not only was a reſolution paſſed that the placing of ſuch a Guard without conſent of the Houſe was a breach of privilege, but orders were iſſued for bringing before them at nine o'clock on the following morning the various magiſtrates by whom the warrants had been ſigned. Inſtant ſteps were at the ſame time taken for removal of the Halberdiers;* and while theſe were in progreſs, at about two o'clock in the afternoon, Sir Chriſtopher Yelverton entered, and ſaid that divers of the Lords were now come, knowing nothing at all of the ſetting of this new Guard, and were ſtartled at it "as much as "ourſelves." A characteriſtic incident of the debate, as related in D'Ewes's manuſcript, ſhould not be omitted. One of Hyde's party, Mr. Francis Newport, the member for Shrewſbury, "during our debate offered to go out "of the Houſe, and there was great cry, "'Shut the door! Shut the door!' and yet "he would go away. The Serjeant not being

Voted breach of privilege.

Halberdiers removed.

Lords ſtartled as well as Commons

"Shut the door!"

* The ſubjoined order and reſolutions appear upon the *Commons Journals*, "Ordered that the ſerjeant ſhall require ſome of the "Halberdiers, or ſome of thoſe that have the command of "them, to come hither to the bar. The bailiff of the Duchy "of Lancaſter being called in, was demanded by what au"thority he brought down men armed: He ſaid the Sheriff "received a writ from the Lord Keeper, and that the Under"ſheriff gave him warrant to do it. . . . Reſolved upon the "queſtion, That the ſetting of any guards about this Houſe, "without the conſent of this Houſe is a breach of the privi"lege of the Houſe: And that therefore ſuch guards ought "to be diſcharged. Reſolved upon the queſtion, That this "Guard ſhall be immediately diſcharged by the command of "this Houſe." *Journals*: ii. 338.

Member quits Houſe without leave.

" in the Houſe, Mr. Ruſhworth, the clerk's " aſſiſtant, was ſent after him; who called him " back. He being come into the Houſe, the " Speaker declared to him that when the ſenſe " of the Houſe was that the door ſhould be ſhut, " no member ought to go out. Mr. New- " port ſaid he knew of no order that had been " made to that end: but Mr. Pym ſhowed, " that, beſides the general ſenſe of the Houſe, " expreſſed by ſo many calling out to have the

Rebuked by Pym.

" door ſhut, the greatneſs and weight of the " agitation might perſuade any man to forbear " going out."

11th Dec. Sheriff and Magiſtrates reprimanded.

The next morning, Saturday the 11th of December, the under-ſheriff and Weſtminſter juſtices appeared, and, having been duly examined and reprimanded, and the under-ſheriff having been committed to the Tower, there ſhortly afterwards arrived, at the Houſe, the Petition upon whoſe preſentation the King had been ſo eager to impoſe that check of armed men. The intention of its originators had been to diſabuſe his Majeſty of the fatal notion which ſeems to have been ſuddenly engendered in him by his recent grand entertainment in the City, and by the eager royaliſt tendencies of the Lord Mayor, that there was any real defection from the popular cauſe in that its moſt powerful ſtronghold;* and ſo eagerly had it been ſigned

The City petition.

* I venture here to ſubjoin a paſſage from my *Arreſt of the Five Members* (§ xxiv.), in explanation of what the City at this time repreſented and was. " Of the power and the im- " portance of the City of London at this time, it is needleſs " to ſpeak. It repreſented in itſelf the wealth, the ſtrength, " and the independence which had made England feared and " honoured throughout the world. Within its walls, and

The City 220 years ago.

by all classes with this view, that, up to that date in the world's history, no petition of equal size and dimensions had yet been seen. One of the members for London, Alderman Pennington, who afterwards sat as one of the King's judges, announced its arrival. He said that divers able and grave citizens were waiting without, to present the House with that formidable Petition of which they had been told that ten thousand persons were coming to present it; but a small number only had come with it, and in a humble and peaceable manner. To avoid all possibility of commotion or undue excitement in connection with it, it had been brought by twelve leading citizens. Upon this the House laid aside all other business; the Speaker called in the deputation; and Mr.

Its arrival announced.

Brought by twelve citizens.

"under the shadow and protection of its franchises, slept "nightly between three and four hundred thousand citizens. "The place of business of the merchant in those days, was "also his residence and home. The houses then recently "built by nobles beyond its precincts, along the Strand of the "magnificent river, scarcely transcended in extent or splen- "dour those palaces of its merchant princes, which lurked "everywhere behind its busy wharves and crowded counting- "houses. But, beyond every such source of aggrandisement, "its privileges were its power. From its guilds, charters, "and immunities, wrested from the needs, or bestowed by the "favour, of successive princes; from its own regulation of its "military as well as civil affairs; from its complete and "thoroughly organised democracy, governed and governing "by and within itself; it derived an influence which made it "formidable far beyond its wealth and numbers. . . . . To "its honour, be it said, that from the hour when the cause of "public freedom was in peril, the City of London cast in its "fortunes unreservedly with the opposition to the Court. Its "resolute refusal to join the league against the Scottish Cove- "nant, had baffled the counsels and wasted the energies of "Strafford; and its Trained Bands, under Skippon, were "destined largely to contribute to the final defeat of the "King."

Source of its power.

Its support of popular cause.

Fouke, a merchant dwelling in Mark-lane, appeared at their head, and preſented it as the humble Petition of Aldermen, Common Councilmen, Subſidymen, and other inhabitants of the City of London and ſuburbs thereof. Then, ſays the preciſe Sir Simonds D'Ewes, "the Clerk of the Houſe did thereupon go down to the bar, and received it of him, and brought it up, and laid it on the table. The ſaid Petition was not very long, but there were ſome fifteen thouſand names ſet to it. It was about three-quarters of a yard in breadth, and twenty-four yards in length." Nor did it ſeem that even theſe unuſual proportions had quite ſatisfied its promoters; for the worthy citizen at the head of the Deputation, having liberty to addreſs the Houſe, informed them that they ſhould have got before that day many thouſand hands more to it, but that they found many obſtructions and much oppoſition from the Lord Mayor, *and others*. And ſuch, ſaid Mr. Fouke in concluſion, was the feeling excited by theſe difficulties interpoſed, that it was God's mercy the petitioners had not come in numbers yeſterday, when the Halberdiers were aſſembled, and when there muſt have been bloodſhed. To which Mr. Speaker replied with gracious words, telling the citizens of London, through the worthy gentlemen then ſtanding at their bar, that the Houſe gave them thanks for their readineſs on all occaſions to comply with ſupplies for the public; that they would take into conſideration, in due time, the particulars deſired in the Petition; and that they hoped to

Received by Clerk.

Its dimenſions.

Addreſs of the Chief of Deputation.

Reply of Mr. Speaker.

bring things to ſuch reſult as would give them ſatisfaction.

When the Deputation left, a debate aroſe as to the neceſſity for immediate proviſion of the ſupplies which had been voted for Ireland, and as to the beſt mode of providing ſuch ſatisfaction for the people as had juſt been promiſed to the London petitioners: and again the debate pointed in the old direction, which was that of printing, and circulating through the country, their Grand Remonſtrance. The courſe taken by the King's adviſers, indeed, had ſo far gone in the ſame direction, that even ſome royal partizans among the members had been conſtrained to admit the unlawfulneſs of the recent attempt to put external preſſure on the Houſes by means of armed watches and guards. The reſult of the preſent deliberation, therefore, appears to have been a kind of ſilent or unoppoſed underſtanding, that the printing of the Remonſtrance ſhould be conſidered as ſoon as the bill then depending for the preſſing of ſoldiers to ſerve againſt the Iriſh Rebellion ſhould have been diſpoſed of.

Debate as to Ireland.

Queſtion of printing Remonſtrance revived.

Reſolve thereon.

But again the ill-adviſed monarch precipitated this determination. The bill for raiſing ſuch ſoldiers by Impreſſment was under debate on the morning of Tueſday the 14th of December, when a meſſage was unexpectedly brought in, to the effect that his Majeſty deſired the Commons to attend him in the Lords' Houſe. There, in brief intemperate phraſe, he adverted to the Impreſſment bill which they were then diſcuſſing; warned them that, in the event of its paſſing, he ſhould give his conſent

Tueſday; 14th Dec. Meſſage from King:

reſpecting bill under diſcuſſion.

to it only with an expreſs ſaving of his prerogative; and ſignificantly added, that he was little beholding to "him whoever at this time "began this diſpute." The Commons immediately returned to their Houſe; voted it, upon the motion of Pym, a breach of all the ancient privileges both of Lords and Commons that his Majeſty ſhould ſo have taken notice of a bill whilſt in progreſs; demanded a conference with the Lords; and, before the day cloſed, had obtained their full co-operation in drawing up "a declaratory Proteſtation" of their privileges and liberties, and "a petitionary Remon-"ſtrance"* againſt his Majeſty's violation of them. Eighteen of the Lords, and double the number of the Commons, went at once with this Proteſtation to Whitehall;† and on the

Voted breach of privilege.

Proteſt carried to King.

* The petitionary Remonſtrance further requires that "his "Majeſty will be pleaſed to diſcover the parties by whoſe "information and evil counſel his Majeſty was induced to "this breach of privilege, that ſo they may receive condign "puniſhment for the ſame." In the face of which, Clarendon nevertheleſs hazards the ſtatement in his *Hiſtory* (ii. 70-1) that the man who had adviſed this breach of privilege, was, of all men in the world, Mr. Solicitor St. John! As if, ſuppoſing this were ſo, the King, who hated no one ſo much, would not thereon have been eager to give him up as his adviſer in ſo direct an attack upon his own party! From the account of the matter I find in D'Ewes's Journal, I am convinced, on the other hand, that the perſons ſuſpected were Culpeper and Hyde, and that the clauſe requiring the King to ſurrender the names of his ill advifers was directed ſpecially at them. D'Ewes would have had the clauſe rejected, on the ground that it was "very poſſible that his Majeſty received his in-"formation and ill counſel from ſome third perſon and from "no member of either Houſe;" but Pym ſtrongly oppoſed this, and the clauſe was retained.

Charge againſt St. John.

Not credible.

† D'Ewes attended, as one of the Deputation of the Commons, both on the occaſion of the preſenting of the Proteſtation, and on that of receiving the King's Anſwer, and his notices of both are highly curious and intereſting. I quote

Curious notices

day following the King's churliſh reception of them, the ſtep was taken from which no further retreating was poſſible, and the Remonſtrance was committed to the people. Reſolve taken.

from his manuſcript Journal. "I departed with divers others "to the Court at Whitehall, being one of the ſelect commit- "tee of thirty-ſix appointed by the Houſe of Commons to "attend his Majeſty there this afternoon at two o'clock, with "a ſelect committee of eighteen of the Lords' Houſe, with "that petitionary Remonſtrance. The eighteen Lords were "at Whitehall before us; and having ſtaid awhile in the "Privy Chamber, the Earl of Eſſex, Lord Chamberlain of "his Majeſty's houſehold, came out to us, and told us that "the King expected our coming to him. Whereupon divers of "the Lords, and we of the Houſe of Commons, followed him "in through two or three rooms, into a fair inward chamber "where the King was. Dr. Williams, Archbiſhop of York, "was appointed to read the ſaid Petition or Remonſtrance. "He, paſſing from the lower end of the room towards the "King, made three reverences, as moſt of us alſo did with "him; and then he, coming near the King, kneeled down, "and ſhowed his Majeſty that he had a Petition or Remon- "ſtrance from both Houſes to be preſented to him. The "King then cauſed him to ſtand up, and ſo he read the ſaid "Petition. I ſtood all the while cloſe to him on his left "hand. After he had read it, he kneeled again, and pre- "ſented it to his Majeſty, being fairly engroſſed in parchment. "The King ſpake ſo low as I could not hear him; but the "Archbiſhop of York told me after we were come out 'that "'he would take ſome time to adviſe,' &c. And ſo, making "like reverence at our going out as we did at our coming in, "we departed." In like manner he deſcribes the more ſtriking ſcene of receiving the King's Anſwer. Between the two occaſions the reader will remember, the Commons had not only voted the printing of their Grand Remonſtrance, but had iſſued it in print; a circumſtance which may account for the increaſed ſharpneſs of the King's manner. "Went to "Whitehall," ſays D'Ewes, "to receive the King's Anſwer. "We were admitted into the ſame room again (being a fair "chamber within the privy gallery) where we had delivered "the ſaid Petition. The King, looking about, aſked to "whom he ſhould deliver his Anſwer; becauſe he ſaw not "the Lord there from whom he received our Petition. But it "was anſwered his Majeſty, that he, being to preach before the "Lords at the Faſt on Wedneſday next, was now abſent on "that occaſion. His Majeſty demanded further to what other "Lord in his abſence it was to be delivered? It was an-

from the D'Ewes MS.

Deputation preſent Proteſt.

Arbp. Williams reads it.

King's anſwer:

§ XXVIII. THE LAST DEBATE.

Twelfth and laſt Debate: 15th Dec.

ON Wedneſday morning, the 15th of December, an unuſual number of members were in attendance at an early hour in the Houſe of Commons, and a ſuppreſſed excitement ſhowed itſelf, as of ſome undertaking of weight in hand as yet not generally known. Then Mr. Purefoy, the member for Warwick, who afterwards ſat upon the trial of the King, ſtood up and ſaid, that they did now ſtand ſorely in need of money, and he conceived that any propoſition for the bringing in of money would be very ſeaſonable and acceptable. "Whereupon," ſays D'Ewes, "there enſued a great ſilence." Mr. Purefoy then proceeded, and ſaid he conceived that there was but one mode of obtaining what they deſired in this reſpect, and that was by imparting to their conſtituents, and the people generally, ſome ground for greater confidence than they could derive from recent and exiſting events. He pointed out that all men's minds were unſettled by the many ſlanders which had freely gone abroad,

Purefoy moves printing.

A great ſilence.

Argument for printing:

"ſwered, to the chief of the Lords who were preſent. His "Majeſty then calling to Sir Edward Nicholas, lately made "Secretary of State, delivered to him his Anſwer written on "a ſheet of paper, which the ſaid Sir Edward received kneel- "ing, and then, ſtanding up again, read it; and his Majeſty, "after the delivery of it to the ſaid Earl (Briſtol), juſt as we "were all making reverences and departing forth, paſſed "through the midſt of us with a confident and ſevere look, "and ſo went into the privy gallery, where he ſtood looking "towards us, as we came forth and made our obeiſances to "him."

read by Nicholas.

Anger of the King

„and that if, as a worthy member had ſaid on a former occaſion, it was deſirable to recover and bind to that Houſe the hearts of the people, now was the time and the opportunity. In a word, he conceived there were no readier means to bring in money than to cauſe their Declaration to be printed; that ſo they might ſatisfy the whole kingdom. At this there were loud cries of agreement; but upon ſeveral even of the majority the propoſal fell with a ſurpriſe, and D'Ewes was one of them. "It "ſeems," he ſays, "that many members were "privy to this intended motion, which I con- "feſs ſeemed very ſtrange to me; for they "cried *Order it! Order it!*" Then the Speaker roſe, and, as if to ſhow that he at any rate had been no party to the preparing of the motion, aſked the member who had ſpoken, what Declaration he meant, for (alluding to the declaration as to breach of privilege voted the preceding day) there were two. This called up Mr. Purefoy again, who ſaid he meant the Declaration that had been preſented to the King, the great Remonſtrance; and he was ſeconded by Mr. Peard, who had firſt moved the printing on the memorable night of the 22d November, and who now moved that the Petition accompanying it might alſo be printed: to which again reſponded loud cries of *Order it! Order it!* Edmund Waller next took the lead in a deſperate attempt to protract and delay the vote, which in ſo much was ſucceſsful that it laſted far into the afternoon; but of which, unfortunately, ſmall record remains, for in the midſt of it D'Ewes,

will recover People to Houſe.

Surpriſe of D'Ewes and others.

Peard ſeconds Purefoy.

Waller oppoſes.

apparently in ſome dudgeon at the want of confidence in him diſplayed by the leaders, left the Houſe for ſome time. Then the putting of the Reſolution having been fought off until daylight began to decline, the coming on of dark was made the excuſe for a further attempt to prevent its being put at all. So dark it became, that the Clerk could no longer ſee to read; but, on a propoſal for bringing in candles, Sir Nicholas Slanning, the member for Penryn, made urgent repreſentation of the propriety of adjourning the debate, reminded the Houſe of the ſcene which had been witneſſed when this queſtion was before diſcuſſed in the night, and threw out warnings of ſome ſimilar danger now. Againſt any poſſible recurrence of that danger, the majority was on this occaſion thoroughly guarded; but, if it had not been ſo, few were better entitled than Slanning to give the warning. Himſelf one of thoſe who early and eagerly expoſed and loſt their lives in the war, he was alſo ever at the head of the young and ardent ſpirits of the Houſe of Commons, with whom it was matter of chivalry to reſent every encroachment on the power and pretenſions of the ſovereign; and Clarendon (in one of thoſe charming character pieces of his Hiſtory which will ſurvive to keep it ſtill the moſt delightful reading in the world, long after the conviction of its untruſtworthineſs and bad faith ſhall have entered into every mind) has celebrated his youth, his ſmall but handſome perſon, his lovely countenance, his admirable parts, and his courage

Debate prolonged to evening.

Candles called for.

Sir Nicholas Slanning oppoſes.

An eager Royaliſt.

"ſo clear and keen."* He failed for the preſent, however, to turn the Houſe from their purpoſe, though not till he had forced on a diviſion. Forces diviſion:

* See *Hiſtory*, iv. 150, and 612-13. Slanning was one of the little men; "and it was an age," ſays Clarendon, "in "which there were many great and wonderful men of that "ſize" (*Life*, i. 62), among the men of learning as well as of action. One of the leaſt men in the kingdom he celebrates as one of the greateſt ſcholars of Europe, in the perſon of the ever to be remembered Mr. Hales of Eton—"who "would often ſay that he would renounce the religion of the "Church of England to-morrow, if it obliged him to believe "that any other Chriſtians ſhould be damned; and that "nobody would conclude another man to be damned, who "did not wiſh him ſo;—than whom no man was more "ſtrict and ſevere to himſelf, yet to other men ſo charitable "as to their opinions, that he thought that men not erring "were more in fault for their carriage towards men who "erred, than the men themſelves were;—and who thought "that pride and paſſion, more than conſcience, were the "cauſe of all ſeparation from each other's communion; and "frequently ſaid, that that only kept the world from agreeing "upon ſuch a liturgy as might then bring them into One "communion" (*Life*, i. 60-1). Chillingworth was another of the very little men. Sidney Godolphin, alſo belonging to the ſame diminutive claſs, amazed the tall and well-formed Mr. Hyde by preſenting ſo large an underſtanding and ſo unreſtrained a fancy in ſo extremely ſmall a body as he poſſeſſed: the ſmalleſt indeed of all, as it would ſeem, for Falkland uſed merrily to ſay that he thought what charmed him moſt to be ſo much in Godolphin's company was the ſenſe of finding himſelf there "the properer man." But the prince of the little men was Falkland himſelf. Obſerve with what exquiſite art Clarendon puts forward his diſadvantages of perſon ſimply to make more lovable the attractions of his mind. "His ſtature was low, and ſmaller than moſt men; "his motion not graceful; and his aſpect ſo far from inviting, "that it had ſomewhat in it of ſimplicity; and his voice the "worſt of the three, and ſo untuned, that inſtead of recon-"ciling, it offended the ear, ſo that nobody would have "expected muſic from that tongue: and ſure no man was "leſs beholden to nature for its recommendation into the "world. But then no man ſooner or more diſappointed this "general and cuſtomary prejudice. That little perſon and "ſmall ſtature was quickly found to contain a great heart, a "courage ſo keen, and a nature ſo fearleſs, that no compoſi- Great men of little ſize. Hales of Eton. Chillingworth. Sidney Godolphin. Falkland. Picture by Clarendon:

on queſtion for candles.

D'Ewes returned to his ſeat juſt as they were about to divide on the queſtion for candles, and by the very ſound, he ſays, the Ayes declared themſelves to be far more than the Noes; but the Noes perſiſted in dividing, and "ſitting ſtill" in the Houſe with Sir Robert Hatton and Mr. John Ruſſell (who had ſucceeded Lord William on the old Earl's death, as Pym's colleague in the repreſentation of Taviſtock) for tellers, proved to be only 53 in number, whereas the Ayes who went out, with Denzil Hollis and Sir John Clotworthy as tellers, were 152. Upon this, candles were brought; and again the debate went on, not leſs warmly than before. For more than two hours longer, ſays D'Ewes, it was argued with great vehemence pro and con; until at laſt the queſtion was put for the printing. Then went forth the Yeas, in number 135, with Denzil Hollis and Sir Walter Earle for tellers; the tellers for the Noes, who ſtayed in the Houſe, being Sir John Culpeper and Mr. John Aſhburnham, the member for Haſtings, and their numbers 83. Amid conſiderable excite-

152 to 53. Candles brought.

Diviſion for printing.

Carried: 135 to 83.

"tion of the ſtrongeſt limbs, and moſt harmonious and pro-
"portioned preſence and ſtrength, ever more diſpoſed any
"man to the greateſt enterpriſe, it being his greateſt weakneſs
"to be too ſolicitous for ſuch adventures; and that untuned
"tongue and voice eaſily diſcovered itſelf to be ſupplied and
"governed by a mind and underſtanding ſo excellent, that
"the wit and weight of all he ſaid carried another kind of
"luſtre and admiration in it, and even another kind of ac-
"ceptation from the perſons preſent, than any ornament of
"delivery could reaſonably promiſe itſelf, or is uſually
"attended with; and his diſpoſition and nature was ſo gentle
"and obliging, ſo much delighted in courteſy, kindneſs, and
"generoſity, that all mankind could not but admire and love
"him."

Life i. 43-4.

ment, the order was then given for immediate printing of the Remonſtrance concerning the ſtate of the kingdom; the Grand Remonſtrance, as thereafter it came to be called, to diſtinguiſh it from the many other ſimilar State Papers of leſs importance, and leſs intereſt for the people, which were iſſued during the war. Even now, however, it required all the temper and control of the leaders to avoid a mutiny. The claim to proteſt was, at this point, once more revived; and Sir Nicholas Slanning, heading the proteſters, did his beſt to bring his own warning true. Some ſixty members having joined him, they formally demanded that their proteſtation might be entered by order of the Houſe; but the growing excitement was happily allayed by the art with which Pym, in appearing to yield to that propoſal, in reality yielded nothing. The demand was turned into an order for an adjournment "to take into conſideration the "matter touching proteſtations in this Houſe;" and, the following Friday having been fixed for the purpoſe of ſuch conſideration, the Houſe roſe at ſeven o'clock.

Printing ordered.

Slanning revives claim to proteſt.

Storm allayed by Pym.

So cloſed the laſt debate on the Grand Remonſtrance, which then found its way, after a ſucceſſion of ſcenes and ſtruggles as worthy of remembrance, though not until now remembered, as any in our hiſtory, to the audience for whom it was deſigned. Neither Hampden nor Pym ſpoke further, when the day for diſcuſſion of the right of proteſting came.* They

Monday, 20th Dec.

* The Friday originally fixed was changed to the following Monday, when the three principal ſpeakers were Hyde,

Debate on right to proteſt.

left it to the King's ex-ſecretary, old Sir Henry Vane, to point out how irreconcileable any ſuch right would be with the precedents, the uſages, and the proceedings of the Commons' Houſe. They liſtened without replying to a long ſpeech from Hyde, who, admitting there was no precedent for the claim, yet urged that neither was there a precedent for the printing of a Declaration, and that, a precedent in a caſe unprecedented being nothing to the purpoſe, they muſt act according to reaſon. They liſtened, ſtill unmoved, to the ſignificant alluſion of Mr. Holborne, who, putting the caſe of an order having paſſed the Houſe which might carry grave conſequences, enlarged upon the hard poſition of thoſe who, having no right to proteſt, would be involved in ſuch conſequences, "and perhaps loſe their heads in the crowd "when there was nothing to ſhow who was "innocent." Their part in the affair was done, their weapon thrown, and none of thoſe contingent or poſſible events had any alarms for them. They called upon the Speaker to put the Reſolution, that in no circumſtances ſhould a proteſtation be deſired in that Houſe, or admitted if deſired; and they voted and carried it.

Ominous remark by Holborne.

Reſolution againſt Hyde's party.

§ XXIX. Impossibility of Compromise.

THE incident too ſurely ſhadowed forth in that alluſion of Holborne, the blow which ſo

Right to proteſt rejected.

Holborne, and Vane, and it was finally "reſolved upon the "queſtion, That in no caſe a Proteſtation ought to be "deſired by any member of this Houſe, or admitted by this "Houſe, being deſired."

ſoon was levelled at the heads of the five leading men in theſe debates, and which was but the natural and legitimate ſequel to the proceedings in connection with them here detailed, cloſed all further legitimate diſcuſſion, and rendered civil war inevitable. But before concluding this Work I may pauſe to ſhow, by ſome brief extracts from letters lately diſcovered,* that the ſame honourable good faith, abſence of mere perſonal animoſity, and honeſt deſire for a ſettlement within the limits of the Conſtitution, which had characteriſed the Remonſtrance Debates, continued to animate leading men in the Parliamentary Party up to the hour when the ſword was drawn.

Reſult of Remonſtrance Debates.

Popular leaders averſe to war.

The letters were written to Charles the Firſt's Attorney-General, who had become his Chief Juſtice of the Pleas, and, upon the very eve of the unfurling the ſtandards, had interpoſed his good offices to mediate in the quarrel. The attempt was unfortunate; yet he frankly admits that it might have had other iſſue, but for the fatal indeciſion of the King. "I have "adventured far," writes the well-meaning Chief Juſtice, "to ſpeak my mind freely, "according to my conſcience, and *what hazards* "*I have runne of the King's indignation in a* "*high meaſure you will heare by others; all* "*men give not the ſame advice.*" Among the remarkable men, high in the councils of the popular party, who perſiſted in a final effort to keep the ſword ſtill ſheathed, were

Indeciſion of Charles.

Bankes (C. J.) attempts to mediate with King.

* Publiſhed by the late Mr. George Bankes of Dorſetſhire, deſcendant of Charles the Firſt's Chief Juſtice, in a book entitled *Corfe Caſtle.*

Lords Northumberland and Wharton; Denzil Hollis, one of the five members who were the object of the King's fatal attempt; Lord Say and Seale, leader of the Puritans; and even the ſubſequent leader of the Parliamentary Armies, Lord Eſſex. None of theſe men viewed with other than a ſad reluctance the ſtrife which was about to begin; none of them was eager to exaggerate or precipitate the quarrel. But their frank and unreſerved expreſſions elicited no return.

Like attempts of leaders in both Houſes.

Lord Wharton.

In a letter of ſingular earneſtneſs, Lord Wharton warns Sir John Bankes that he is intimate with many popular leaders, "and I do ſeriouſly "profeſs, I dare not in my private thoughts "ſuſpect or charge any of them for having "diſloyal hearts to his Majeſty, or turbulent "hearts to this State." In a letter written from that very place in the Houſe of Commons which he occupied in cloſe vicinity with Pym and Hampden, Denzil Hollis tells the Chief Juſtice that the Houſe of Commons only waits "the firſt appearance of change in his Majeſty "that he will forſake thoſe councils which "would divide him from his Parliament and "people, and make them deſtroy one another," to return in duty and affection to his perſon. In reply to a letter from the Chief Juſtice ſoliciting his opinion, Lord Say and Seale more ſternly warns him "that your cavaliers "(as they are called) do much miſtake in per-"ſuading themſelves or others, that there is "any fear among thoſe who deſire the King's "wealth and greatneſs as it may ſtand with "their own rights and liberty, and the end of

Denzil Hollis.

Lord Say and Seale.

" his government." In rough and unlettered but manly phraſe, Lord Eſſex communicates thus to Sir John Bankes the grief with which he is about to unſheathe his ſword: " The great " misfortunes that threaten this kingdom, none " looks upon with a ſadder heart than I; for " in my particular, my conſcience aſſures me I " have no ends of my own, but what may tend " to the public good of the King and the " kingdom." And finally, in two as impreſſive ſentences as were ever written on the cauſes of the conflict, Lord Northumberland tells Sir John Bankes, that Parliament is arrayed againſt the King becauſe of the peril of " loſing that " liberty which freeborn ſubjects ought to en- " joy, and the laws of the land do allow; and " becauſe thoſe perſons who are moſt power- " ful with the King, do endeavour to bring " parliaments to ſuch a condition that they " ſhall only be made inſtruments to execute " the commands of the King."

Lord Eſſex.

Lord Northumberland.

Objects of Court party.

That laſt remark is the ſtriking and ſufficient comment upon the ſcenes which have been deſcribed in theſe pages. The continued ſeries of efforts herein preſented were the prelude to yet another, a more deſperate, and a final endeavour, to bring parliaments to ſuch a condition that they ſhould be made only inſtruments to execute commands of the King. Happily for us, this laſt attempt ſucceeded no better than its fore-runners; and it might have become the Chief Juſtice's deſcendant to remember, as he ſtudied theſe letters before giving them to the world, that it mainly had ariſen from the failure of the King which apparently

To weaken and degrade Parliaments.

he ſo much deplores, that he found himſelf indebted for the liberty he has not very generouſly employed in exalting his anceſtor as unduly as he depreciates unworthily the greater men who baffled the King's deſign. The part allotted to Sir John Bankes in the momentous ſcene was in reality a very ſmall one, though he played it creditably. He was a reſpectable lawyer of honeſt intentions and very limited views, who interfered occaſionally with good effect to moderate both parties, until both became committed to extremes; but when the ſword flaſhed out as arbitrator, he turned aſide helpleſs and uſeleſs, and, dying while yet the victory neither way inclined, he ſeems to have died in the perſuaſion that the diſfavour of Heaven muſt fall heavily on both, and that both would be deſerving of overthrow. There is always much to be ſaid for a temper ſuch as this, even when moſt unfitted to its occaſions; and undoubtedly a diſpoſition in itſelf ſo kindly and pleaſing might, at any other time than one of neceſſary conflict, have done even uſeful public ſervice. Sir John's deſcendant was quite entitled to refer to him, therefore, as a favourable ſpecimen of a lawyer in that age: but it was leſs diſcreet, as well as leſs generous, to contraſt his alleged upright aſcent to worldly rank, with the "unſeemly "intrigues and courtly ſtruggles" by which Sir Edward Coke is declared to have clambered thither. Alluſions not ſtrictly untrue may yet convey an impreſſion ſingularly falſe. Whatever his former failings may have been, to the ſtudent of our Civil Wars the Lord

Small part in a great ſcene:

creditably played.

Character of Bankes (C. J.)

unwiſely compared with Coke (C. J.)

Chief Juſtice Coke preſents himſelf in one aſpect only. So far, his age redeems his youth and his manhood. It was he who gave to the opening of the ſtruggle that ſtamp of ancient precedent and legal right, of which it never afterwards, in all its varying fortunes, loſt the trace; and, in the preſence of any attempt to compare ſuch a man diſadvantageouſly with one immeaſurably his inferior, it is impoſſible not to remember that while, in the Petition of Right, Sir Edward Coke has left a monument of his exertions for Engliſh liberty as imperiſhable as that which the Inſtitutes contain of his knowledge of Engliſh law, Sir John Bankes has left no more durable record of either than an elaborate argument againſt Hampden in the caſe of ſhip-money.

Coke's claims.

The Inſtitutes and Petition of Right.

Let me ſimply repeat in this place what I have formerly hinted,* that to renew anything like the vehemency of the old Civil War diſputes, maintained with unheſitating and uninquiring zeal while yet the authority of Clarendon was implicitly accepted, it is now become needful to paſs to a "more removed ground" than that which preceded the war. Sir John Bankes was in his grave, and his correſpondents diverſely and ſadly ſcattered; my Lord Northumberland was ſulking at his country-houſe, Mr. Denzil Hollis was fretting that he had ever ſo largely helped to turn out the Stuarts, and my Lord Eſſex had been borne in funeral pomp to the Abbey of Weſtminſter; before that greater and ſterner figure had fully

Party views for and againſt Charles.

A plain caſe up to the war.

* See *ante*, p. 147.

emerged, whoſe "rude tempeſtuous" qualities, perplexing in early days to Mr. Hyde, were hardly leſs to perplex and trouble all future hiſtorians. And it is leſs with the hope of contributing anything to its illuſtration that ſhould be entirely worthy of the ſubject, than to confeſs how much in former years it perplexed and troubled myſelf, that I have lately taken occaſion to expreſs* to what extent the views I once held have ſuffered change in regard to the conduct and character of Cromwell.

A caſe more perplexing.

§ XXX. Conclusion.

Limited ſcope of preſent work:

The conſequences hinted at by Holborne (in the debate of the 20th December on the right of the Minority on the Remonſtrance to proteſt againſt the deciſion of the Majority), which had ſo fatal a recoil upon the King, do not fall within the ſcope of this work. The Arreſt of the Five Members is a ſubject too large in itſelf to be treated as a portion of that theme which I now bring to a cloſe. My object was to reſtore a page of the Engliſh hiſtory of ſome importance, which time had been permitted to efface; and this has been accompliſhed. It is for the reader to apply the details here given to their further uſe, in illuſtration of already exiſting records, and determination of their value. It would lead the writer too far from

to reſtore an effaced page in Hiſtory.

* In the *Edinburgh Review*, January, 1856. See Biographical Eſſays (*Oliver Cromwell, Daniel De Foe, Sir Richard Steele, Charles Churchill, and Samuel Foote*), now publiſhed by Mr. Murray in a ſeparate volume.

the deſign to which he had purpoſely reſtricted himſelf, to attempt in this place any ſuch application. Every one may do it, within the range of his acquaintance with the general hiſtory of the time; and to help to extend this range for all, ſome pains have here been taken to render the notes appended to the Abſtract of the Remonſtrance, as well as to the Debates, both a guide to reſearch out of the common track of hiſtories, and a warning againſt too ready or implicit belief in the moſt reſpected authorities. It is not deſirable, even if it were poſſible, that Clarendon's *Hiſtory of the Rebellion* ſhould be deposed from the place it holds in our literature. Its rare beauties of thought and charm of ſtyle, the profound views of character and life which it clothes in language of unſurpaſſed variety and richneſs, its long line of noble and deathleſs portraits through which its readers move as through a gallery of full-lengths by Vandyke and Velaſquez, have given and will aſſure to it its place as long as literature remains. But, for the purpoſe to which it has mainly been applied by many party writers ſince Clarendon's death, as well as by writers not prejudiced or partial, it ſhould never have been uſed. The authority of its writer is at no time ſo worthleſs, as when taken upon matters in which he played himſelf the moſt prominent part; and his imputations againſt the men with whom he was once leagued as cloſely as he was afterwards bitterly oppoſed to them, are never to be ſafely relied upon. With the very facts he laboured to miſrepreſent, he has been here confronted; and with the antagoniſts to whom he

Object of notes appended.

Clarendon's *Hiſtory.*

Its beauties.

Its demerits.

Its author confronted with contemporaries.

ſtood actually oppoſed upon the floor of the Houſe of Commons, he has been here again brought face to face. The Grand Remonſtrance has itſelf been heard after long and unmerited oblivion, and Sir Simonds D'Ewes has ſpoken to us after a ſilence of more than two centuries. The reſult is deciſive againſt Clarendon. It is not merely that he turned King's evidence againſt his old aſſociates, but that his evidence is completely diſproved.

Reſult deciſive againſt him.

An opinion has been expreſſed, in the courſe of this Work, upon the importance of the Grand Remonſtrance merely as a contribution to hiſtory, and upon the improbability of its being again diſplaced from the poſition here aſſigned to it. Certainly it is impoſſible that any one ſhould ſpeak of it hereafter as it has been deſcribed heretofore. In Mr. D'Iſraeli's *Commentaries*, for example, a book which after his death was with final and ſcrupulous correction republiſhed by his ſon, it is characteriſed as an hiſtorical memoir of all the infelicities of the reign, "*with a very cautious omiſſion* "that all thoſe capital grievances had no longer "any exiſtence."* That ſuch an aſſertion ſhould be hazarded again is at leaſt not conceivable. Amid much, too, that in the ſame book is as gravely paſſed off for truth, the Remonſtrance is ſaid to have been ſmuggled through the Houſe of Commons by a trick. Its authors, we are informed, "aſſured the "moderate men that its intention was purely

Miſſtatements no longer poſſible.

Ludicrous errors.

* *Commentaries on the Reign of Charles I.* By Iſaac D'Iſraeli. Ed. 1851, ii. 290.

" prudential; it was to mortify the Court,
" and nothing more; after having been read,
" it would remain in the hands of the Clerk,
" and never afterwards be called for; and ſo, D'Iſraeli's
" when it was brought forward, to give it the *Commentaries*,
" appearance of a matter of little moment, ii. 294.
" the morning was ſuffered to elapſe on ordi-
" nary buſineſs, and it was produced late; but
" they overſhot the mark," &c. &c. with much more to the ſame incredible purport! Surely not again can Clarendon lead his followers into ſuch a quickſand of "hiſtory" as that; nor, with the Remonſtrance itſelf in evidence, can the ſignal miſrepreſentation he left of its contents, and of the conduct and objects of its authors, be in future accepted againſt his own frequent and unconſcious teſtimony to its deep and ineradicable impreſſion upon the maſs of the Engliſh people. Effect of Remonſtrance on the people:

That, after all, is its final and laſting vindication. It had become a neceſſity ſo to make appeal to the people. It may be true, or it may be falſe, that Cromwell would have ſold all he had the next morning if the Remonſtrance had been rejected, and would never have ſeen England more: but that Falkland heard him ſay ſo would ſeem to be undoubted, and the fact is a ſingular proof of the gravity of the conjuncture which had ariſen. Meaſured alſo by the effects produced, the ſame concluſion is forced upon us; though in the preſence of the document itſelf, theſe may well appear leſs ſurpriſing. To do Clarendon juſtice, he never affects to conceal the momentous influence exerted by the Remonſtrance over the its vindication: and meaſure of its importance.

Its ſubſequent influence.

ſubſequent courſe of affairs. He puts it in his own language indeed: but when he refers to "that dreadful," "that fatal," Remonſtrance; when he ſpeaks of it as having "poiſoned the heart of the people;" when he recurs to it as "the firſt inlet to the inundations that overwhelmed" his party; when again and again he dwells upon it, as "the firſt viſible ground and foundation of that rage and madneſs in the people of which they could never ſince be cured;" no gloſs or comment is needed for ſuch expreſſions. They are ſo many tributes to the vigour and capacity of his opponents, and to the largeneſs and wiſdom of the outlook they had taken when they launched that Great Remonſtrance. Parliament had no ſuch recruiting-ſergeant through the after years of civil war. It might have fallen, indeed, comparatively without effect, if Charles the Firſt had been able at any time to accept honeſtly the conſequences of his own acts; but its authors knew that this was not in his nature, and if we would condemn in that reſpect their policy, we muſt have ſatisfied ourſelves, that, with a man ſo eſſentially and deliberately falſe as the King was to all the engagements made with him, it was in any manner poſſible, without direct appeal to the People as a part of the State, to bring about a laſting adjuſtment of right relations between the Commons and the Crown. The Remonſtrance conſtituted that appeal; and not the leaſt of the claims which in my judgment it poſſeſſes to the attention and reſpect of all ſtudents of hiſtory, is the proof which it affords

Confeſſed by Hyde.

Recruiting-ſergeant for civil war.

Motives of its authors:

in ſo appealing to the people

that Engliſh Puritaniſm had in itſelf no neceſſary antagoniſm to Engliſh Inſtitutions and Government. The ancient limited monarchy, and a reformed church eſtabliſhment, would have ſatisfied its authors. They were devout, religious men, who claimed free exerciſe for their religion; but inſeparable from the Proteſtant Reformation, and its overthrow of Roman Catholic bondage, to whoſe immediate inſpiration they owed their greatneſs, was the paſſion for civil freedom no leſs than for religious liberty. The writers who would ſeparate the religious from the political movement in the ſeventeenth century, and ſo ſtrive to underrate the earneſtneſs of the effort it included for political as well as religious emancipation, have their anſwer in the Grand Remonſtrance. Liberty of conſcience and of worſhip has its leading place therein, but only as the very baſis and condition of ſuch other claims, conſtituting civil government, as the right not to be taxed without conſent, the right to enjoyment of what is lawfully poſſeſſed, the right to petition, the right to chooſe repreſentatives, the right of thoſe repreſentatives to freedom of debate, the right to pure adminiſtration of juſtice, the right to individual freedom under protection of the laws.

To ſave the ancient monarchy.

Civil and religious freedom not ſeparable.

Rights demanded by Remonſtrance.

Of the men by whom theſe great rights were ſo aſſerted in the old Engliſh houſe of legiſlature, and to whoſe exertions and ſacrifices in the Long Parliament, their ultimate though leſs complete acceptance by the Convention Parliament is due, perhaps a nearer view is afforded in this Work than hitherto has been

Leaders of the Long Parliament.

attainable in any printed record. It might indeed have been too near if the men had been leſs great. But they do not ſuffer by that cloſer inſpection. Their greatneſs, too, is aſſumed ſo eaſily and ſo naturally exerted, as to raiſe no feeling of ſurpriſe but that in an age which produced them ſuch a tyranny ſhould have been poſſible. To find, in the party ſtruggles of two hundred years ago, a full and perfect anticipation of parliamentary conflicts of more modern days, may probably aſtoniſh not a few; but ſtill more ſtartling is it to reflect, that, during the whole fifteen years deſcribed in the Grand Remonſtrance, while England lay gagged, impriſoned, mutilated, and plundered, under the moſt vexatious and intolerable tyranny that ever tortured body and ſoul at once, ſhe yet contained theſe men. But they had profoundly ſtudied her hiſtory; and they had an immovable faith that her civil conſtitution, outraged as it was, yet held within itſelf the ſufficing means of recovery and retribution. Nor, happily for us, did they quite loſe this patient belief, until the ſword was actually drawn; and hence it was that all the old laws and uſages of the land, all the old ways and precedents of parliament, all the ancient traditions of the rights of the three eſtates, ſucceſſively drawn forth from their reſting-place in records, charters, old books, and parchment rolls, were appealed to on either ſide, were claimed by both ſides, were tried, teſted, and made familiar to all, in ſuch debates and conflicts in the Houſe of Commons as theſe pages have deſcribed. It was

Their genius and greatneſs.

Their patience and endurance.

Their reſpect for old precedents and laws.

for later generations to enjoy what thus was toiled for ſo gallantly, and only with infinite ſuffering, and terrible drawbacks, won at laſt. But the Leaders of the Long Parliament have had their reward in the remembrance and gratitude of their deſcendants; and it will bode ill to the free inſtitutions of England, when honour ceaſes to be paid to the men whom Biſhop Warburton truly characteriſed as the band of greateſt geniuſes for government that the world ever ſaw leagued together in one common cauſe.

Reverence due to them.

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THE END.

ERRATA.

Page 47. *Third marginal note.* After "Officers" insert "of."
" 75. *Line 7 from bottom.* For "Madgeburg" read "Magdeburg."
" 132. *Third marginal note.* For "Macauley" read "Macaulay."
" 255. *Second marginal note.* For "Culpepper" read "Culpeper."
" 291. *Note.* For "D'Oyley" read "Onslow."
" 363. *First marginal note.* For "Culpepet" read "Strangways."
" 367. *Line* 4. For "Second son" read "Son and heir."
" 377. *Note, eight lines from bottom.* For "Stephen came in . . to tell his uncle" read "came in . . . to tell his uncle Stephen."

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